

BEFORE THE PLANNING & ZONING COMMISSION

TOWN OF MILTON

MILTON, DELAWARE

PLANNING & ZONING COMMISSION)
)
MARCH 13, 2007)

Hearing held on Tuesday, March 13, 2007, at the Milton Library, 121 Union Street, Milton, Delaware, beginning at 6:30 p.m.

BEFORE :

MS. LINDA ROGERS, CHAIRPERSON,
MR. DEAN SHERMAN, MR. BILL BRIERLY,
MR. TED KANAKOS, MR. MICHAEL FILICKO,
MR. GENE STEELE, MS. LOUISE FREY,
MS. GINNY WEEKS, MS. BERNICE EDWARDS.

ALSO PRESENT:

JOHN BRADY, ESQUIRE
Attorney for the Town of Milton.

MR. ROBIN DAVIS

MR. BOB KERR

MS. DEBORAH PFEIL,
URS Corporation.

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1 MS. ROGERS: Okay. We are going to
2 tonight's meeting of the Planning & Zoning Workshop.
3 And the one and only item on the agenda is to go over
4 policies and procedures. So URS is here with their
5 representative, Debbie, and she is going to more or less
6 orchestrate the meeting and give us the information.

7 MS. PFEIL: My name is Debbie Pfeil of URS.
8 I am your Town Planner. And we have asked for the
9 meeting tonight, as we have been tasked to work with
10 Robin on building the Department and assisting the
11 Planning Commission and the City Council
12 (unintelligible) on boards and (unintelligible) and
13 actual process.

14 So what we are here tonight to do is our
15 company sets us up in other municipalities, and we have
16 some experience in that area, looking at your charters
17 and your codes and what works for you. So tonight what
18 I wanted to do, before we just implement a process and
19 say how do you like it -- our company is pretty good
20 about working where we want to ask for your opinions of
21 what you like and what you don't like now, and try to
22 incorporate them in some of the changes.

23 So the first thing -- and I requested Bob
24 Kerr to be here tonight as your City or your Town

1 Engineer, because we have -- you have three consultants.
2 You have a Town Engineer, which is Cabe and Mr. Kerr;
3 you have John Brady as your legal representation, and
4 URS company as your Town Planner. So the three of us
5 are working on all different aspects to help you out and
6 assist you in any way that you need us, especially in
7 planning and development.

8 What I would first like to do is open up the
9 floor with some of the issues that you have in your
10 positions that you see you are struggling in the process
11 or you would like to see things done a little bit
12 better, because I think we can address some of those in
13 our changes that I'll go over at the end of the meeting
14 tonight.

15 And I can kind of throw one out there that
16 I've learned from most municipalities is getting your
17 meeting packet maybe the night before the meeting or a
18 couple of days before your meeting. Sometimes there's a
19 lot of information in there. And if you don't have the
20 information in advance, maybe you can't look at the
21 property to know where it's at or you don't feel
22 comfortable in making the right decision with the right
23 tools. So I'll throw the first one out there. And if
24 anybody wants to, it's just an open forum, where I want

1 some feedback.

2 I know, I think, a lot of your pains. And I
3 think Robin is setting up the department now. He is
4 taking on the role as Project Coordinator, and he's
5 overseeing code enforcement. So this is a good
6 opportunity for him to learn the process by your Code
7 and Charter and to allow enough time to give you the
8 right tools to make your decision.

9 So the first one I had was your needing
10 materials, getting your packets in advance was one of
11 the first ones. I'll open up to anybody that wants to
12 speak so I can just kind of get a list going.

13 MS. ROGERS: One of the concerns that I have
14 with the procedures that are now being implemented, for
15 whatever reason, it used to be if someone came to the
16 office and applied for a conditional, use change of
17 zone, or a public hearing that required two public
18 hearings, one before us and then one before the Council,
19 where we recommend to Council, Council makes a decision.
20 All of those hearing dates were incorporated in one
21 advertisement, one notice. The dates were set.

22 So like if this gentleman here has applied
23 for something and he knew he had a hearing before us
24 tonight, the 13th, he knew that that application would

1 go before Town Council on probably May -- their first --
2 their meeting in May. So we knew we had until May to
3 make a recommendation, review minutes, and have a
4 recommendation actually formally ready to go to Council,
5 where what I find now is an item is simply put on their
6 agenda.

7 And many times I don't -- frankly, I don't
8 see the copy of the agenda until I get there to realize
9 that it is coming before them. And if they are holding
10 public hearings, they're not their own public hearings,
11 which I'm not sure with all the changes they have been
12 making, if that is still a requirement. It used to be.

13 So I'm a little confused in that area that
14 something like a conditional use or a change of zone or
15 whatever, yes, we hear it. We get all the information
16 that the citizens have to say, analyze all the
17 information that has been given, and present them with a
18 recommendation. They, as well, should be hearing what
19 the citizens have to say, not just our recommendation.

20 MS. PFEIL: Correct.

21 MS. ROGERS: So I have a little bit of a
22 concern about how that process seems to be -- we hear
23 everything. They read our minutes or, hopefully, they
24 get to read our minutes. And sometimes I don't know

1 that they've got them before they actually have it on
2 their agenda. I'm not --

3 MS. PFEIL: Okay.

4 MS. ROGERS: -- real certain of that. So
5 they are making something simply by our recommendations.
6 And a lot of times the constituency that they are
7 representing, they need to hear what they have to say,
8 as well.

9 MS. PFEIL: Okay. So --

10 MS. ROGERS: And there can be new
11 information, like if we had --

12 MS. PFEIL: Correct.

13 MS. ROGERS: -- questions that weren't
14 answered at our meeting, there may be answers for them
15 by the time it goes to Council. So I have a little --

16 MS. PFEIL: Okay.

17 MS. ROGERS: -- concern about that.

18 MS. PFEIL: So the public hearing process
19 and making it fair so that everybody can have their say,
20 but also making sure your information is true to the
21 letter, given to Council in a proper format for them to
22 make a decision --

23 MS. ROGERS: Right, and that --

24 MS. PFEIL: -- instead of rushed for the

1 next meeting and hurrying that along.

2 MS. ROGERS: Right, because we have our
3 meeting the second -- third Tuesdays -- Thursday -- what
4 are we? Tuesdays of the month.

5 MS. PFEIL: So the next Monday.

6 MS. ROGERS: So, you know, it's like right
7 away, it's their meeting. And we are recommending to
8 them, and sometimes we don't have time to get the
9 minutes back. Like if we put stipulations on a
10 conditional use or whatever --

11 MS. PFEIL: Yes.

12 MS. ROGERS: -- we haven't had the minutes
13 back to recite, yes, this is exactly what we wanted, or
14 no, I thought it was going to be this, or to make sure
15 they are correct before it's on the agenda for Council.
16 And the way I see it now is simply placed on their
17 agenda as an item and not a full-blown regular public
18 hearing where they get to hear the Applicant's
19 presentation and all of that stuff, unless it's
20 specifically requested for a development or something
21 like that.

22 MS. PFEIL: Plus, when you have two public
23 hearings, sometimes you have the people that come to a
24 Planning Commission and then the people that want to do

1 a little bit more political --

2 MS. ROGERS: Right.

3 MS. PFEIL: -- issues addressed to the
4 second body. So sometimes that could be interpreted as
5 double jeopardy, because it could be two different kind
6 of forums. Like you said, two totally different topics
7 can be brought up.

8 MS. ROGERS: Right.

9 MS. PFEIL: Maybe the developer brought
10 something up at the council meeting that they didn't
11 bring up in front of you. That's not fair to your due
12 process to give your recommendation.

13 MS. ROGERS: Right, and I'm just --

14 MS. PFEIL: I think we can work on that
15 process.

16 MS. ROGERS: I'm just a little concerned
17 that there's things getting lost --

18 MS. PFEIL: Okay.

19 MS. ROGERS: -- between Planning & Zoning
20 and Council, and people need a right to be able to say
21 what they've got to say to both bodies. They need to be
22 able to say it to Council, as well as to us.

23 MS. PFEIL: Do you feel that push is coming
24 from -- more from --

1 MS. ROGERS: I don't know it's a push. I
2 think it's happening.

3 MS. PFEIL: I mean the hurriedness to get it
4 done. Like tonight's meeting is pretty fast. It's a
5 fast turnover for us, even.

6 MS. ROGERS: I honestly don't -- I don't
7 know why it happened. It used to be --

8 MS. PFEIL: Okay.

9 MS. ROGERS: -- not like that, and then it
10 changed. Now, I don't know why it changed.

11 MS. PFEIL: Okay.

12 MS. ROGERS: I mean it used to take two to
13 three months between us and them --

14 MS. PFEIL: Yes.

15 MS. ROGERS: -- to actually get a decision.

16 MS. PFEIL: Okay.

17 MS. ROGERS: And I know people are in a
18 hurry, but there's due process. And you just have to do
19 it.

20 MS. PFEIL: Okay.

21 MS. ROGERS: But we may following the letter
22 of our ordinance and, before, we weren't. We were
23 adding to --

24 MS. PFEIL: Right.

1 MS. ROGERS: -- and making it more than it
2 was required. I honestly don't know for sure.

3 MS. PFEIL: I think we have reviewed a
4 couple of those, Robin and I, and you only have a couple
5 of ordinances that have time tables on them.

6 MS. ROGERS: Uh-huh.

7 MS. PFEIL: So I think what we can do is --
8 I'm going to speak on behalf of me as a consultant --
9 and Bob, if you want to chime in -- but when you give us
10 a site plan and want it done in the next week, usually,
11 that doesn't -- you are not getting the review. We're
12 bringing it to the meeting to meet the demand of the
13 Town. So I agree with you, that whole process needs to
14 be pre-qualified.

15 UNKNOWN SPEAKER: I want to tag something on
16 to that. I hadn't even thought about bringing it up
17 tonight. But I would like to. Is this alive?

18 MR. DAVIS: (Unintelligible) the speaker on.
19 You're on.

20 UNKNOWN SPEAKER: It's recording?

21 MR. DAVIS: Yes.

22 UNKNOWN SPEAKER: There are a number of
23 little things that sort of fly around, as far as active
24 business is concerned in a small town. For instance --

1 and I'm going to bring up one that's been of some
2 concern to me in the last few days. And that is the
3 cost of licensure for a business in the Town of Milton.
4 It segways pretty directly from things that we do in
5 Planning & Zoning to things that they do at the town
6 level and to the business community.

7 But there's no sense -- and I'm not even
8 sure how to phrase this. I think this needs to be at
9 very carefully and very thoroughly. There's no real
10 sense of coordination. So you have people over here
11 who are angry because they are feasible enough or they
12 can't -- this is the business community -- or they can't
13 find a place for their people to park, which is another
14 big issue. And those things kind of fester, and then
15 they get brought out in oddball ways, and everybody
16 wonders why everybody else is pissed off. And pardon
17 the phrase, but --

18 MS. PFEIL: Directness works here.

19 UNKNOWN SPEAKER: -- it fits in this
20 category. And I don't know that that's even your role.
21 But somebody who is not tied down to any vested interest
22 in the community needs to get involved in this. And I'm
23 just thinking out loud.

24 MS. PFEIL: Right.

1 UNKNOWN SPEAKER: But you might be the
2 person to do this. Because I believe if we don't do a
3 better job of this, these issues are going to have a
4 life of their own. And then nothing is going to happen.

5 MS. PFEIL: And I agree with you. Fees are
6 a big topic in most municipalities, Kent County, Sussex
7 County. In all municipalities they need to be justified
8 as to what -- the collection of those that are covering
9 costs. I think once they are justified, it's a little
10 bit easier for all those involved, the collectors and
11 the PEs to understand.

12 UNKNOWN SPEAKER: Justified sounds easy.
13 But I'm sure you very well know it's not. So I mean --
14 but that's true. That's --

15 MS. PFEIL: Right.

16 UNKNOWN SPEAKER: -- a good point. I agree
17 with that.

18 MS. PFEIL: Yes. Okay. I know we've got
19 some more.

20 MS. WEEKS: Can I expand on what Linda said?

21 MS. PFEIL: Uh-huh.

22 MS. WEEKS: I agree with her. I think that
23 it would be -- I think that it would be a great help if
24 we had written procedures, you know, that could also be

1 handed out. I understand that the Planning Department
2 at Town Hall is fairly new. You know, Eric was a code
3 enforcement officer --

4 MS. PFEIL: Uh-huh.

5 MS. ROGERS: -- and with the growth going on
6 in the town, it's a very difficult position. But it
7 would be nice to have a handout to give to people when
8 they come in, when the public comes in.

9 Going back, for example, to the Iguana
10 Grill. They came in, and they wanted a site review and
11 permission to open the restaurant and so on. And they
12 wanted it now, and they weren't prepared. And we let it
13 go and so on and so forth.

14 And I think that the public also needs to
15 have some sort of a handout at the beginning that says:
16 Look, this is how it is in town. You come in. This is
17 what you can expect, and this is how long it should
18 take. And that should be something we get, they get, so
19 we're all on the same page.

20 MS. PFEIL: I agree. I think a good
21 example, to let you know, too, that we started -- and
22 Mrs. Frey could probably attest to this -- is the
23 Annexation Committee is meeting tomorrow. And we have
24 started a book there of what your Charter -- like a

1 quick facts sheet of what your Charter and what they
2 need to attend. I think that type of process is
3 helpful. It just has to be made sure that it
4 complements your Code and your Charter. But I think
5 that's great.

6 And Robin and I are already trying to set up
7 what we call a pre-development customer meeting, where
8 they come in. The goal here is to not hold up
9 development or delay it. But when you make a decision,
10 everybody at the table, whether they agree or disagree,
11 should feel comfortable in the decision. And there
12 shouldn't be a lot of contingent-upons or a lot of
13 cleanup for your staff to do. When you leave here with
14 a big laundry list of all your next -- you know, we want
15 you to go ahead -- we are going to approve you
16 contingent upon all of these things, and then Robin has
17 to go back and make sure they're all done.

18 MS. WEEKS: And I'm not even sure that we're
19 all working from the same issue of the zoning code.
20 Maybe we all need to be given good, clean copies. And
21 another thing that I would like to see is that when we
22 get our packets, that certain articles in the zoning
23 that pertain to that discussion are listed on the
24 packet, that it comes from the Planning Department that,

1 you know, we need to pay not only to the special
2 attention to this article and that article and so on,
3 that help us wade through it.

4 MS. PFEIL: Right. And I think after
5 what -- I don't know how long everybody's been on the
6 Board, because I've just -- this is my first Planning
7 Commission meeting. But after a while, I think you know
8 your Code pretty well, probably even better than some of
9 your staff, if you do your homework. But I think on the
10 review letters -- I know from our company, and I'm sure
11 Bob does it -- where you cite what the zoning is and
12 some of the code sections, because there's a lot of
13 hidden stuff -- not hidden, but not necessarily user-
14 friendly throughout the Code. You also need to find
15 this number back here that has a lot that could affect
16 the Code and the one up here.

17 So I think we could do -- Robin and I have
18 talked about doing a better job with the packets, making
19 sure that you have the information in there. But we
20 also want to relay that the Commission has ultimate
21 recommendation on what they feel should be the
22 recommendation to Council.

23 You probably won't hear me in my position
24 say: I think it's a go. Go ahead and vote yes. I will

1 never be put in that situation. I won't give you that
2 advice. My job is to let you know some of the items
3 that you want to further discuss, some of the items you
4 may want to push, some of the recommendations outside of
5 your Code, even, that you might be able to get if the
6 developer works with you.

7 It's probably the same way in Bob's letters,
8 I would assume, what they've missed, what they haven't
9 missed. So I think we could do a better job with the
10 packets in advance, giving you more thorough
11 information, because between a review letter from
12 planner, your engineer, and if needed, the lawyer --
13 depending on what we are talking about -- I think
14 between those three and your Code, that should be a
15 smoother meeting.

16 MS. WEEKS: That would be wonderful.

17 MS. PFEIL: Hopefully. All right.

18 MS. WEEKS: Thank you.

19 MS. PFEIL: Anybody else?

20 UNKNOWN SPEAKER: This is off the subject,
21 but how is our attorney doing? I know he's been sick
22 and I --

23 MR. DAVIS: He's better. He was supposed to
24 be here tonight.

1 UNKNOWN SPEAKER: Okay. Good. I'm sorry.

2 I just --

3 MS. PFEIL: That's okay. I know he's been
4 sick.

5 MR. DAVIS: Yes. He's out of the hospital,
6 and he's up and running, playing catch up now, I think.

7 MS. PFEIL: Some of the other ones I'll
8 bring up, just to kind of open the conversation up, too,
9 is sometimes when planning commissions I've heard --
10 I've had some other open forums like this in other
11 municipalities -- they are unsure, when they approve a
12 project. Like they walk out of the room and they are
13 like, oh, we should have done that, we should have got
14 this, or maybe we could have pushed this. And that's
15 usually from not being prepared on maybe the Town giving
16 you this stuff in advance or you didn't have enough time
17 because, you know, you get paid so much to be a planning
18 commissioner in every town. It's a volunteer job.
19 There's too many contingencies; there's too much clean
20 up.

21 The other one I want to kind of go into --
22 and this is something that we tried at a couple
23 municipalities -- is your meeting format and the length
24 of time. I know when I was a Planning & Zoning Director

1 at Georgetown, sometimes we went from seven to midnight.
2 Sometimes it was even later. And when you hit that time
3 frame of after two hours, two and a half hours, you can
4 tell, like our comp plan committee, it's just -- you're
5 not as productive. So a thought might be for you to
6 try, if you are open to it, would be having a meeting
7 format of the topic items. We tried that in Georgetown,
8 and it went faster. And if we had the meeting topics in
9 order, if I can work with your engineer, your City
10 Solicitor, and myself -- where maybe you start with like
11 the topic of parking, and that's the first topic that's
12 discussed. So everybody on the Commission, where our
13 review letters will been discussed, that's your parking
14 issue. Sometimes when you have discussions, you come
15 back to it an hour later, because maybe that's when the
16 thought got opened up.

17 But if you had a meeting outline of the
18 topics that you are going for, the developer can also
19 prepare with your topics that way, you know, when Robin
20 meets them in advance. You can do your homework in that
21 format. It's a worksheet you can fill out, if you want.
22 Next to parking, you put your comments and bring them in
23 your packet. If you're a person that does the verbal,
24 if you're a written person, it's totally your call. But

1 sometimes that shortness up the meeting lengths, and it
2 gets it usually in a routine, and it can -- it can have
3 the meeting go a little bit better and it's more
4 structured, plus it really helps your minutes, because
5 you're on that topic and you get them (unintelligible).
6 You're on the next topic. So when Robin gets the site
7 plan to come back in again, it's the same format for all
8 of us. And to do a review, it should take less time,
9 because we're in the same kind of format, the same
10 routine. That's a thought you might want to try,
11 something we could set up and try at a couple of
12 meetings to see if you like that. That's very basic.
13 You can go for -- you can put infrastructure or you can
14 break it down even deeper, where it comes to water and
15 sewer, whatever, however you want to break it down.
16 That might be a good option for you.

17 On the consultant's side, this is something
18 we usually run into a lot, is you have a developer comes
19 in and they have a -- they needed it done yesterday. I
20 think anybody that's in any kind of a job or customer
21 service, everybody needs that. Your consultants really
22 need time to review the project. Unfortunately, I mean
23 why -- everybody wants to give you good customer
24 service, just like in probably the businesses you have,

1 it's not the only customer. And you really kind of want
2 to be fair and run the first come, first served. So a
3 good time frame review in our area is usually two to
4 three weeks. We prefer, probably, three. Is that about
5 right? Three to four would be even better. But three
6 is usually a time where we can review it and at least
7 get something back to Robin, whether it's going to be an
8 e-mail, a fax, or hand-delivered or mailed. That would
9 give us time to get a letter, so it's in your packet
10 ahead of time.

11 And the other thing we do is we have Robin
12 disperse that to the developers. So when they come to
13 the meetings, they are prepared to discuss the issues
14 that your consultants had right up front. They are not
15 surprised. They are not unprepared. We could truly go
16 for the issues that maybe we have on some of the site
17 plans.

18 And the review letters are important,
19 because that gives us a sense of we did the job that you
20 paid us to do, that if you do it -- if we are doing a
21 conceptual review, you have my letter in conceptual
22 review. You choose what you want to use out of that.
23 When it comes back, I take your minutes and we go do
24 your preliminary, for example, on a site plan. So

1 that's a product that you get, that you definitely want
2 to have in your packets.

3 And let's see. Some of the other ones are
4 that just -- I was going to have John touch on this a
5 little bit tonight -- was kind of like ethics and
6 conflicts of interest. I'm sure everybody has heard
7 this, but this is usually big in Planning Commission,
8 probably more so in Council. But I would like to just
9 give little recommendations to the Planning Commission.

10 Something to probably keep you out of
11 litigation or out of any kind of potential issue or
12 conflict of interest is any kind of discussions or
13 meetings outside of Planning Commission with a
14 developer, and a developer or a businessperson
15 pertaining to probably that project. I was going to
16 have John speak about this, but that could probably open
17 you up to potential litigation. I just want to let you
18 aware of that.

19 Conflict of interest, if you feel that you
20 have a conflict of interest at all, it's just better to
21 recuse yourself. I mean it just puts the whole city or
22 the whole town in jeopardy. People, usually, in small
23 towns know conflicts before we even know what they are.
24 So you know them.

1 The other one, just a friendly one, just to
2 let you know, is representation outside. The body of
3 the Planning Commission is truly in this meeting place
4 once a month or when -- the other time is when you're
5 attending a workshop and it's something that the Town
6 has paid for or that they want you to represent. Any
7 other time -- (unintelligible). Any other time you are
8 what your role is.

9 For example, a good example would be if
10 Robin went to -- let's see -- at 8:00 at night, went to
11 somebody's house or -- a good one was just like
12 elections time. This is a good one. That's the one I
13 keep thinking of, because it's a hot topic. Remember
14 what your hours are and remember what the parameters
15 are, just so you don't get caught maybe misrepresenting
16 the City or misrepresenting the Town or representing the
17 Town when it's not an official meeting. That's just
18 something I note, just to give you a heads-up on.

19 Now, here's probably the biggest change we
20 are thinking about doing. This is the one I want to go
21 for you. The biggest one we are thinking about doing --
22 and I think it's beneficial for everybody, from what we
23 have heard -- is pre-qualify the applications and make
24 them eligible. For example, Robin's role would be when

1 they first come and meet for a pre-development meeting,
2 his job starts customer service, starts getting them on
3 track, starts giving them copies of the Code, letting
4 them know their fees, the checklist. His job is to get
5 them on track and let them know about a tentative time
6 frame, depending on what we come up with. Then he would
7 also pre-qualify them for John, Bob, and myself.

8 I mean we wouldn't get site plans that don't
9 meet the requirement checklist, because that's a big
10 waste of the developer's time, a big waste of our time.
11 If they don't meet the checklist, it's pretty much
12 saying: You are missing items such-and-such and
13 such-and-such. And it's already in your Code. It's in
14 black and white. It's pretty easy.

15 So we're going to have Robin take off some
16 of the time from us. And he will have like a
17 spreadsheet, just to state did they comply or didn't
18 they comply. If they complied in all areas -- and maybe
19 he has a question on one or two -- then it would go
20 forward for us to review. But he's pre-qualifying for
21 us. I can't tell you probably how many times we've had
22 incomplete reviews. And all's it is is pretty much a
23 good checklist for somebody to start doing the job
24 fully, correctly or appropriately.

1 Third is the Planning Commission. So that's
2 the -- that third eligibility is your Planning
3 Commission. You want to make sure that you feel
4 comfortable in all your decisions, everything outside of
5 the box and inside of the box. And then the fourth is
6 going to be to the Town Council to make their decision.
7 So you are going through your Planning Department, your
8 consultants, the Planning Commission before it gets to
9 Town Council.

10 At that point we are hoping to get it to a
11 rubber stamp time frame, where it's truly everybody has
12 done all their homework. We've done everything by the
13 Code. We've dotted the Is, crossed the Ts, and given
14 them a good product in a packet for them to make a
15 decision.

16 During that time is usually when John gets a
17 little more involved, because it could be anything for
18 financial consideration, gain, any agreements, public
19 works, annexations. That's when you really need to
20 bring the lawyer with the consultant to say: This is
21 how -- you know, what the Planning Commission wanted,
22 what the City Staff wanted of the deal. And he knows
23 all the proper wordings to keep us out of trouble to put
24 it in there.

1 So we are trying to go for the pre-qualifier
2 eligibility. And usually, this is perceived as a good
3 move by developers, because it's black and white. We
4 are already winning points by Robin meeting with people,
5 because sometimes before me, when they came to the Town,
6 it just wasn't clear and they just went right to the
7 Planning Commission, opened it up to nine people, and
8 they haven't done their homework yet. It's not fair to
9 you, and it's not fair to them. So I think it's great
10 that the Town has invested in a planning -- Project
11 Coordinator position.

12 The meeting format is something we would
13 like to try. We want to look at the agenda. We're even
14 having the lawyer a little bit more involved, to make
15 sure that it is properly advertised with the right
16 wording and the right parcels and the right locations.
17 So anybody reading an agenda will know exactly what we
18 are talking about. Is it a preliminary site plan? Is
19 it conceptual? Is it a conditional use? We want those
20 wordings.

21 And I can see Milton, from their history,
22 has a lot of good agenda wordings. We just want to make
23 sure that when you read an agenda, you know what it's
24 about. Whether you are highly educated, uneducated, or

1 at any level at all, you can read that. The
2 predevelopment customer meetings --

3 MS. WEEKS: Deb?

4 MS. PFEIL: Yes.

5 MS. WEEKS: Can I ask you a question now?

6 MS. PFEIL: Sure.

7 MS. WEEKS: At the bottom of the agendas
8 here, and I've just -- you know, this just seems to be
9 the way it is -- is that you can amend the agenda.
10 What --

11 MR. BRADY: The Attorney General's Office,
12 in a number of opinions issued in 2006 and 2007, have
13 clarified how you can amend an agenda. Agendas can be
14 amended if something comes up at the time of the
15 meeting. If something is known before the meeting, the
16 agenda should be amended before the meeting to give
17 public notice of that item. Items can be -- agendas can
18 be amended up to six hours before a meeting and
19 published by posting at the location of the meeting and
20 in a central location, as under the Town Charter, where
21 public notices are to be, which is in front of Town
22 Hall.

23 The issue that came up is when agendas, as
24 Debbie just talked about, are not clear to the average

1 person as to what specifically is going to be discussed
2 in public business. And the Attorney General's Office
3 has made it very clear in a number of recent opinions,
4 including Milton, Middletown, and several other towns,
5 that items of public business have to be properly
6 noticed and announced when the agenda is posted. And if
7 that agenda item is not posted seven days prior, there
8 has to be an explanation as to why.

9 For example, if litigation was filed or
10 there was a major flood or a building started to fall
11 down, something like that, you have to put on the bottom
12 of the agenda the reason why the agenda has been amended
13 pursuant to Chapter 101 of Title 29.

14 And so what I've been trying to do is
15 working with Robin and the affected chairs to make sure
16 our agendas comply with those requirements.

17 MS. WEEKS: The crux of my -- where I was
18 going was that I just wanted to know -- for example,
19 somebody comes in and they want to build something and
20 what the plans are and so on that we received in our
21 packet and what they are saying at the floor, the floor,
22 they are now expressing that they want more than was
23 begin to us. Are we allowed to approve something like
24 that?

1 MR. BRADY: Well, when they come in -- and
2 that's part of what the pre-qualification is designed to
3 do, because when they come in and they say for a
4 conceptual site plan -- as you recall last fall, we had
5 the school district come in and wanted final site
6 approval at their first presentation. And final site
7 approval is not permitted under the Code. There had to
8 be at least a week apart between a conceptual and
9 preliminary site plan and final plan, the way the Code
10 read.

11 So that's why they were told we can announce
12 a special meeting. We can put an agenda. But we are
13 limited as to what -- and that is what the
14 pre-qualification and what the project role is going to
15 be, to help make sure that what they want is spelled out
16 right up front.

17 Recently, we have had a couple of issues
18 dealing with a new restaurant that is in Rehoboth and is
19 moving here to town. And it has some Mexican name --
20 and I'm forgetting it.

21 MS. ROGERS: Iguana Grill.

22 MS. WEEKS: Iguana Grill.

23 UNKNOWN SPEAKER: Iguana Grill.

24 MR. BRADY: Iguana Grill, that qualifies as

1 a Mexican name. And not to be disrespectful, but we had
2 the issue about they put in one thing and then they
3 asked about something else that night. And that's when
4 I said: You have to come get a conditional use, and you
5 haven't put that in.

6 The goal of the pre-qualifying and the
7 consulting is to get closer to one stop shopping to be
8 more user-friendly, but to comply with the requirements
9 of the Code. Does that answer your question, Ms. Weeks?

10 MS. WEEKS: Thank you.

11 MS. PFEIL: And to state that a little
12 further, when Robin meets with them, they might not get
13 all the answers that they want because they could
14 contest the way the Code is written. They could say:
15 There is a gray area in here. We think we fit in here.
16 So at that point, Robin may have to shoot a letter and
17 e-mail to the attorney to get a legal interpretation to
18 find out which route do they have to go? Do they have
19 to go to Planning & Zoning? Do they have to go to
20 conditional use? Do they have Board of Adjustment?
21 That meeting -- After a little bit of years in that
22 position, you'll be able to dictate pretty good. But
23 right now, you will always have the right to say: Okay.
24 He's given me everything. Let me get a response back to

1 houses and when they get here, they want 410, is that
2 something we to re-advertise?

3 MS. PFEIL: Well, I can let you know that
4 you could table it, because our reviews were done on
5 what was presented in the application.

6 MR. BRADY: Correct.

7 MS. PFEIL: And your decisions are being
8 made on what is presented ahead of time in the
9 application.

10 MS. WEEKS: That's what I needed to know.
11 Thank you.

12 MR. BRADY: At the last -- three of the last
13 five Planning & Zoning meetings, you were concerned, as
14 I perceived it, that information was coming in the night
15 of the meeting. And it wasn't -- you weren't able to
16 get Bob's review. People would look at me. And I would
17 like go in the Code and go right here and say: Okay.
18 This could be a home occupancy if they did this. This
19 is what we are trying to eliminate, trying to make the
20 process a better process, a more predictable process,
21 plus people want to go home at 9:30 and not at 11.
22 Right, Ms. Rogers?

23 MS. ROGERS: Uh-huh.

24 MR. FILICKO: Speaking of agendas, I

1 apologize to the committee members and to the public. I
2 thought that our meeting tonight was at seven, and
3 tomorrow's meeting was at 6:30. And I called Town Hall
4 to clarify that. And that is, indeed, what they told
5 me. I can't remember who I spoke to, but I'm very sorry
6 I wasn't here on time. Ma'am, you look familiar. I
7 think we met at --

8 MS. PFEIL: The company planning --

9 MR. FILICKO: The high school?

10 MS. PFEIL: Yes. Debbie Pfeil with URS.

11 MR. FILICKO: Debbie.

12 MS. PFEIL: Yes.

13 MR. FILICKO: Okay. Debbie.

14 MS. PFEIL: I'll see you tomorrow night.

15 MR. FILICKO: All right.

16 UNKNOWN SPEAKER: Well, Michael, you are --
17 really, you are on for tomorrow night's meeting.

18 MR. FILICKO: Yes, I am.

19 MS. PFEIL: Is there anything else -- what
20 we're going to do is Robin and I are going to work a
21 little bit on this tomorrow, and we have some annexation
22 notices we've got to get out on a timeline. And then
23 what I would like to do is have some conversations with
24 Bob and John about how we work in the process and how

1 much time we might need before we set it up. So we
2 all -- the time that you need, we also need time on the
3 project to be able to do a good job for you. So I think
4 what we'll do is go through -- I would like to take all
5 our processes. We have the annexation one that I need
6 to send to the attorney to make -- to John, just to make
7 sure that that's exactly by Charter and Code that I
8 found. We would like to do the same thing with the
9 rezones, every single process you have, have the cheat
10 sheet, but refer to your Charter as a tool to be able to
11 use. That helps us out a lot when you have that
12 pre-development meeting. And you give them a whole
13 stack of codes, and they have to kind of hit or miss. I
14 think it will help us all out a little bit.

15 MR. FILICKO: Debbie?

16 MS. PFEIL: Yes.

17 MR. FILICKO: I don't know if this is the
18 appropriate time to ask this question. It is a zoning
19 question that I've got.

20 MS. PFEIL: Right.

21 MR. FILICKO: When developers apply for the
22 LPD overlay, which is what the Governor calls Livable
23 Delaware, which is looking for -- which consists of the
24 homes close together, like an old-time neighborhood and

1 with a common green space.

2 Since I've been on this committee, Debbie,
3 and we have been doing these LPD over lays, it seems as
4 though the homes are, indeed, close together, but the
5 green space is nonexistent. Now, what I personally
6 would like to see is if the homes are going to be close
7 together and, say, if you want to build a house on any
8 street here in town, you have to have 10,000 square feet
9 of lot space. Correct?

10 MS. PFEIL: Correct.

11 MR. FILICKO: Well, if you have a house
12 that's on 5,000 square feet, then there should be
13 5,000 square feet of green space for the people who live
14 in that community to use. And that's, I guess, what
15 upsets me when we approve these LPDs. It seems as
16 though the developer is taking advantage of Livable
17 Delaware.

18 MS. PFEIL: I think in my experience in
19 writing an RPC zoning -- and I'll refer back to
20 Georgetown that we used -- the intent of writing a mixed
21 use was to get better design, a better quality of life,
22 better amenities, better open space. But I haven't been
23 privy to your LPD, because I haven't had to use that
24 yet. Maybe that Code -- and I'm probably going to defer

1 to Bob. Maybe that Code might need to be looked at on
2 your -- you know, your Ordinance Review Committee to see
3 if it has enough teeth. Does it have the right
4 percentage for open space, and are we enforcing it
5 properly?

6 MS. WEEKS: It's one of the most
7 loosey-goosey ordinances I've ever seen in my life.

8 UNKNOWN SPEAKER: You --

9 MR. FILICKO: When are you (unintelligible)?

10 MS. WEEKS: Remember when something came in
11 for -- I think it was The Cannery, where townhouses were
12 going to condominiums. And I was told: Well, they can
13 do that if they want, under section so on and so forth.
14 So it really takes a lot of control away from us, if I
15 understand it correctly.

16 MR. KERR: I believe in the ones that you
17 have approved, they do have the correct amount of open
18 space. It's the way the open space is counted and the
19 way in which -- Let me give you an example, and I'll use
20 Kentwoods, Kent -- the one we went over to in the
21 Washington area to look at.

22 MS. ROGERS: Kentlands.

23 MR. KERR: Kentlands, thank you. Not woods,
24 but lands. And there was one little area that was about

1 a 60-foot square. It was a square in the center of the
2 road. The road went around it, not as a circle, but as
3 a square. And they were very proud of that as open
4 space. Well, I kind of considered it part of the road,
5 because I wouldn't want a kid to even stand in it, much
6 less anything else. But it -- that's considered a nice
7 open space. And so every place where you see the little
8 news between houses in Cannery Village, that's open
9 space. There could be a lot line, and it's five feet to
10 the right-of-way line to the street times the length of
11 the street, five feet wide times that length, that's
12 open space. So you don't necessarily see large open
13 spaces where you can play, but there's a lot of little
14 pieces. I don't necessarily agree with it. I didn't --
15 you will recall Cannery Village is not one of my --

16 MR. FILICKO: I do recall.

17 MR. KERR: Favorite places. But that was
18 how the ordinance was written and how I at least thought
19 we had to interpret it and you wanted to seem to really
20 push things around there. But --

21 MR. FILICKO: We probably are
22 interpreting --

23 MR. KERR: -- there's a lot of --

24 MR. FILICKO: -- interpreting it to the law;

1 however, it seems to me like the ordinance should change
2 to allow -- and for example, when Mr. McMann -- is
3 that --

4 MR. KERR: Uh-huh.

5 MR. FILICKO: Ed McMann, when he was here,
6 he had that beautiful Power Point presentation. And
7 also, in his book, a prime example of open space was
8 Shipcarpenter Square, which we're all familiar with.
9 Now, granted, we don't have to have million dollar homes
10 like they have at Shipcarpenter Square. But if we are
11 going to allow and permit the smaller lots, let's
12 require a park-like setting for the residents that's
13 not, just like you said, 60 feet.

14 MR. KERR: I think Cannery Village ends up
15 with a lot of park-like settings when it's said and
16 done. When you see that, you are going to see a lot of
17 little parks as opposed to one -- you know, you and I
18 probably grew up with more like baseball fields --

19 MR. FILICKO: Yes.

20 MR. KERR: And football fields.

21 MR. FILICKO: Right.

22 MR. KERR: They don't have that.

23 MR. FILICKO: We had an island.

24 MS. PFEIL: Right.

1 MR. KERR: Yeah.

2 MS. PFEIL: Now, in your ordinance, what we
3 want to do with this process -- you brought up was a
4 really good point -- is while we're going through this
5 process and with having your three consultants on board,
6 we are probably going to find areas in your Code that we
7 might recommend go to Ordinance Review Committee. And I
8 think it's very important that those move along forward.
9 I'm sure that everybody gets overwhelmed. I know
10 probably the three of us do and I'm sure everybody on
11 the Planning Commission and the Town.

12 But when you find something wrong in your
13 Code -- and it's usually somebody tested you on it --
14 and you find something that wasn't exactly the way you
15 thought it was when you passed it, you want to get that
16 right back to your Ordinance Review Committee with your
17 recommendation to get that moving along in the process
18 to change your research, because a lot of times we put
19 those little projects on the back burner. And they just
20 eat at you every meeting. Every time somebody comes in
21 with a project, it eats at you again.

22 Another thing you can do is -- I know George
23 and the Mayor really want this pushed probably in the
24 next year -- is design standards. Design standards

1 would allow you to have -- for example, the chapter that
2 we write for design standards, you have to have so much
3 active space, and you have to have so much passive open
4 space. And you get to choose three out of ten or five
5 out of 20, a tot lot, or there's several things you can
6 choose. You have options. So you're not telling them:
7 We want all, you know, all trails, we want all tot lots
8 everywhere, because that might not be the group that
9 they are going to for the real estate market.

10 But you can have them choose and guarantee.
11 You'll know that you have three active or three passive
12 or both. So design standards, I think, is probably the
13 next move, within a year or something, just something to
14 think about.

15 MS. WEEKS: Getting back to the procedures,
16 there are two things I would like to throw out to the
17 Board. I would have loved to have had an orientation of
18 some sort when I came on board Planning & Zoning, and I
19 think that perhaps that should be incorporated. And
20 also, I would like to be kept advised, I guess, through
21 Town Hall, like when IPA has courses in planning up in
22 Dover that we could attend. You know, I don't know how
23 to access that or how to find out about it.

24 MS. PFEIL: That's a great class. The Board

1 of Adjustment one is phenomenal. The Planning
2 Commission one is outside the toolbox. All of those
3 classes are geared towards planning commissioners and
4 Council and on the level that you get pamphlets and
5 packages that you can use years from now. Those are on
6 the website.

7 What we want to make sure and do is not to
8 turn a lot more responsibility back to your staff. We
9 want to empower you, and you have the capabilities to
10 learn, you know. But I will get you that website.
11 Those classes are 25 or \$30, and I'm sure that, you
12 know, the Town has a budget for training in there.
13 Those are phenomenal.

14 You'll see other municipalities there. It's
15 a great time to network to say: We have this situation.
16 What would you do? And they said: We have this
17 situation, what would you do? That is a good
18 camaraderie to build with the networking with other
19 towns, as well. Those are great classes.

20 MS. WEEKS: If we could get the website,
21 that would --

22 MS. PFEIL: Yes. We'll get that to you
23 tomorrow morning.

24 MS. WEEKS: -- that could be part of an

1 orientation. Thank you.

2 MS. PFEIL: Yep. That's great, because that
3 goes into state law. That's something that we probably
4 never get a chance to, because your commissions and
5 councils constantly sometimes change every year, so then
6 you have another orientation and another orientation and
7 laws change. So I think that's a good one. It goes
8 into state law, and it goes a little bit more into your
9 Charter about your empowerment.

10 And then we copied tonight your Chapter 2,
11 basically what is the rule of the planning commissioner
12 that you'll see there, try to (unintelligible). But
13 that's -- anybody that wants to learn outside is
14 excellent -- IPA is a good resource to tap into.

15 MR. FILICKO: IPA?

16 MS. PFEIL: IPA. University of Delaware has
17 IPA, which is Institute of Public Administration.

18 UNKNOWN SPEAKER: Yes. I found those
19 classes very helpful --

20 MS. PFEIL: They are.

21 UNKNOWN SPEAKER: -- and actually wish, in
22 addition, they would have meetings where people on
23 Planning & Zoning Commissions could just come together
24 and talk about practical problems they are having and

1 how did each other handle it.

2 MS. PFEIL: And I think it's -- there's not
3 a resource to tap into --

4 UNKNOWN SPEAKER: Because this one didn't
5 have much free time.

6 MS. PFEIL: There's not a lot of resources
7 to tap into in your position, because I can bring -- and
8 John could have, and Bob, in some of the municipalities
9 that we represent -- and you then talk about planning
10 issues. But your codes and charters are off the wall,
11 totally different. Your vision is are off the wall,
12 totally different, because every municipality wants to
13 somewhat follow the rules of other municipalities, but
14 doesn't want to be like them. So you run into the
15 general discussions are great. But that is really why
16 you pay a Project Coordinator, a Town Manager. You pay
17 your three consultants. I mean that's really the
18 positions that you want to be able to tap into through
19 Robin.

20 Robin is going to be your funnel. Robin is
21 our funnel back to the Planning Commission. And then we
22 just would attend the meetings where you would need us
23 to be at the meetings.

24 I'm going to see if Bob and John have

1 anything to say, kind of, since we are talking about
2 processes and frustrations and things we're trying to
3 get back on track. I know we can go into probably
4 details, but some advice or thoughts?

5 MR. BRADY: On a personal note, I would like
6 to thank the Town and you all for the cards and flowers
7 when I spent my week in Beebe. It's not often that I
8 miss two consecutive town meetings and an election.

9 I will tell you that while I was in the
10 hospital, they called me during the election. They
11 called me during the town meeting, both of them. I just
12 wasn't able to drive, because one eye was swollen shut,
13 and my face was -- I looked somewhere between the
14 Elephant Man and Gorbachev. But I thank you.

15 The doctor said I'm not allowed to go back
16 to work until April 10th. So you can see I'm constantly
17 following the doctor's orders. But I was up in Dover
18 today for the legislature, and I'm sorry I was a little
19 late tonight. But I've talked to Debbie. I've worked
20 with Debbie before in Georgetown. And I believe that
21 after discussions with Madam Chair about trying to get
22 to things, so we don't waste time at meetings, that this
23 process meeting tonight will help make a better process
24 and better decision-making information in your hands for

1 when you make those decisions.

2 MR. FILICKO: John, I didn't even know you
3 were in the hospital.

4 MR. BRADY: The Cape Gazette covered it.
5 WGMD got it on the radio.

6 MS. PFEIL: Good news.

7 MR. BRADY: Yeah. And they were booking my
8 funeral, but --

9 MR. FILICKO: Were you in an accident?

10 MR. BRADY: -- I pushed it off again. I hit
11 my head. Then I hit my head again. And then it caused
12 a -- it went from a staph infection to cellulotitis --
13 cellulitis to pneumonia and a cold. So I got to spend
14 seven days. I went through all 21 of the pink menus at
15 Beebe. The pink menu is the heart healthy menu. I
16 looked forward to my Cheerios. That was my best meal of
17 the day.

18 MR. FILICKO: Well, we're glad to have you
19 back.

20 UNKNOWN SPEAKER: (Unintelligible) lose
21 weight.

22 MR. BRADY: There's about 20 pounds less of
23 me, yes. But I also apologize; I missed the Board of
24 Adjustment meeting, Ms. Chair. I think they told you I

1 was sick. I don't know if they told you I was in the
2 hospital.

3 MS. ROGERS: That's --

4 MR. BRADY: My office didn't tell anybody
5 where I was, except you could go on the website --

6 MS. PFEIL: You didn't train well.

7 MR. BRADY: -- and find out I was in 301.
8 People did find me.

9 MS. PFEIL: And I want to open it up to Bob.
10 He's been here long, and I look forward to working with
11 him. We had -- We worked with Cabe in the Town of
12 Millsboro, as well, is our client, and Cabe is the
13 engineer there. So we have a good relationship with
14 that company. I think the three of us can work well to
15 get you a good product. But he's been here, so I'm
16 really going to tap into that knowledge, as far as what
17 you see that we can do things better or issues.

18 MR. KERR: The biggest thing is probably
19 sticking to schedules and dates. I think it's really
20 slipped lately that -- the 21 days before a submission.
21 I know lots of times I've gotten the information on
22 Friday, trying to get it to you a week before the
23 meeting, and I get it three days before the meeting.

24 MS. PFEIL: Yes.

1 MR. KERR: And it turns out I'm out of the
2 office that day. So Tuesday afternoon is when I'm
3 putting the information together for you. It doesn't
4 even give me a chance, lots of times, to review the
5 memo, much less the information.

6 Possibly looking at the way you are
7 conducting meetings, sometimes the public meeting gets
8 into more of a roundabout, everybody talking at once.
9 Some communities, some of the counties, the applicant
10 speaks, sits down, says nothing else, that's it. They
11 get their one chance. Each person gets to speak once,
12 sits down, that's their chance, as opposed to having ten
13 people ask the developer the same question ten times and
14 the developer feels he has to answer it. And that can
15 delay meetings.

16 MS. PFEIL: So they do do public comment,
17 the Planning Commission?

18 MR. KERR: Yes.

19 MS. PFEIL: Okay.

20 MR. KERR: During the public hearing portion
21 of it.

22 MS. PFEIL: Right.

23 MR. KERR: But there have also been times
24 when, even when they go into the business session, that

1 it starts up again.

2 MS. PFEIL: Oh, disruptive.

3 MR. KERR: And typically, the public gets to
4 speak at the public -- and stop me if I'm crossing that
5 legal line, John. But when many other places do it,
6 they only get one opportunity to speak. Everybody gets
7 to have their say. But it doesn't become -- it's not
8 the same discussion that you have amongst yourselves,
9 asking questions and commenting. That's kind of your
10 prerogative, how much you want to discuss it.

11 But there have just been some nights when,
12 you know, when you have a single public hearing, the
13 public hearing part or portion goes on for two hours.
14 And the restaurant was kind of a perfect example, how
15 many times the public asked about the noise.

16 MR. FILICKO: John --

17 MR. KERR: And the next person would stand
18 up and want the developer to answer the same question.

19 MS. PFEIL: Oh.

20 MR. KERR: And so the developer would try to
21 go through answering the same question again and again.

22 MR. FILICKO: Shouldn't the questions from
23 the public be directed to --

24 MS. WEEKS: Us?

1 MR. FILICKO: -- the Board members as
2 opposed to --

3 MR. BRADY: And we have tried to say that.

4 MR. FILICKO: -- the developer.

5 MS. WEEKS: And we do that.

6 MR. BRADY: And we say that at the beginning
7 of the meetings.

8 MR. FILICKO: But yet --

9 MR. BRADY: But sometimes in order to try
10 and resolve the question when there is a pressing issue,
11 there becomes an interchange from the public to the
12 applicant. We've tried to direct those comments. And
13 it becomes an enforcement issue that if people are clear
14 on the policies and procedures -- and there may be a
15 handout, welcome to our Planning & Zoning Commission --
16 when during the public hearing, the presenter/applicant
17 will present questions.

18 The public comments are made to the Board,
19 the Commission. And if there is a question that the
20 public has for the applicant, that's made to the
21 attention of the Chair. And the Chair or a Member of
22 the Commission will ask the applicant that question.
23 But that's part of the formal versus informal. There
24 are formalities. And when you close the public hearing

1 and go into the discussion of the business on the
2 agenda, the Freedom of Information Act and the Attorney
3 General opinions don't require you to permit additional
4 public comment. In the past, you have chosen to do that
5 to accommodate the public. So that becomes a decision
6 for the Commission as to how they want to proceed.

7 MS. PFEIL: I think we can work on a tool,
8 maybe, to give the Commission, whether it's a laminated
9 poster board or that we can put in here of the meeting
10 format that everybody can see when they come to your
11 meetings.

12 I think that's very important, because like
13 you said, when the developer comes up and does the
14 introduction and does their -- there's a lot of those
15 times you can even put a time limit on it. If they want
16 to say a ten-minute presentation and then it goes into
17 Council discussion or questions, if it hasn't been
18 addressed, that's a good time for the public to come.
19 But the public is going to interact. And you know, we
20 are not controlling the meetings, it sounds like. All's
21 we have to do is get Linda the gavel.

22 MS. ROGERS: I can control the meetings
23 pretty well.

24 UNKNOWN SPEAKER: Yes.

1 MS. ROGERS: We're just really -- like the
2 Iguana Grill, it was very difficult to get the citizens
3 to stop with, you know, we've answered every question we
4 can answer about the noise.

5 UNKNOWN SPEAKER: Right.

6 MS. ROGERS: You know, we're not going to
7 know, until they open, how much it's going to carry or
8 whatever.

9 MS. PFEIL: Okay.

10 MS. ROGERS: And to try to appease those
11 citizens to make them feel comfortable that, you know,
12 we're going to do the best we can to make sure this
13 doesn't interfere with your quality of life.

14 MS. PFEIL: Right.

15 MS. ROGERS: Sometimes it's better to just
16 let them go ahead and say what they've got to say.

17 MS. PFEIL: And they are in the record,
18 because you don't --

19 MS. ROGERS: Yes.

20 MS. PFEIL: I mean noise ordinances are one
21 of the worst things that you probably discuss --

22 MS. ROGERS: Right.

23 MS. PFEIL: -- about the decibels and how to
24 enforce them.

1 UNKNOWN SPEAKER: Right.

2 MS. PFEIL: So in that case, it's probably
3 great that you let that go a little bit so it's in the
4 record, because that's what they want.

5 MS. ROGERS: And often times, when we've
6 closed the public hearing, I mean I try very much to go
7 is the applicant, the people in favor, the people
8 against. And I'm constantly -- and I think they'll
9 verify the same -- please address your comments here.

10 MS. PFEIL: Okay.

11 MR. BRADY: Absolutely.

12 MS. ROGERS: The developer will
13 automatically answer them. And a lot of times they
14 don't have to, you know.

15 MS. PFEIL: Right.

16 MS. ROGERS: And you know, we do try to say:
17 Please direct your comments to the Board.

18 MR. BRADY: And Madam Chair, you've also
19 been very accommodating when an issue has come up in the
20 business session that wasn't thought of in the public
21 hearing. And then there have been some people in the
22 audience that wish to address that issue. And you've
23 allowed to reopen it to get that comment in.

24 That came up with -- just going back to the

1 Iguana Grill, about the wet bar the first time. And
2 then they said: Well, we weren't going to have the
3 service bar. And they said: Well, is the wet bar the
4 service bar? And they had to come back and explain it.
5 Then there was the issue about the outdoor music and the
6 speakers.

7 So I think you've been very accommodating,
8 and there needs -- I hate to use the word rigid
9 flexibility. But I think you need to have: Here is our
10 format.

11 MS. PFEIL: Yes.

12 MR. BRADY: But you can be a little flexible
13 before something comes up, because those two meetings
14 were probably the two biggest attended, short of the
15 daycare meetings that we've had. And daycares and
16 restaurants seem to be big-issue meetings --

17 MS. PFEIL: Yes.

18 MR. BRADY: -- where a lot of citizens come.

19 MS. ROGERS: Yes. When we had the bakery,
20 the room was full.

21 MR. BRADY: Right.

22 MS. ROGERS: They all want their baked
23 goods.

24 MR. BRADY: So there's where you want to

1 have flexibility to let everybody say their piece, but
2 also to try and keep it on track.

3 MS. PFEIL: And one of those options might
4 be for, when Robin meets with them, is to get as much
5 information as possible up front. It sounds like there
6 was a lot of unknowns that came out, but to get as much
7 information up front. I mean there's a lot of questions
8 we can role play with Robin between -- especially Bob
9 Kerr and I -- what are your hours going to be? Are you
10 playing loud music? Are you going to have alcohol
11 outside of the establishment, because that is an ABC
12 approval. That's not necessarily a city, unless it's in
13 your -- or town, unless it's in your ordinance.

14 We can probably get a checklist of all the
15 questions and all the things that we think that would
16 help make a decision. And there might be a couple of
17 surprises that come up. But that pre-development
18 meeting may have put a couple of things to bed or a
19 couple of things to rest that maybe didn't have to get
20 elevated as much. That might be an option.

21 MR. FILICKO: Debbie, John, Bob, it seems as
22 though when they bring their agenda to us, that it is
23 often incomplete. For example, we don't know where the
24 trash is going to be, the lighting, the parking spaces

1 aren't clearly defined. Is there a way where that
2 information has to be before us prior to hearing them?

3 MR. BRADY: That was part of what I was late
4 for, also, because --

5 MR. FILICKO: Yeah.

6 MR. BRADY: -- I came in late. It was part
7 of the initial discussion when I got here called
8 pre-qualifying the application --

9 MS. PFEIL: Yes.

10 MR. BRADY: -- to make sure for, such as a
11 preliminary site plan, which does require those items
12 that you just cited, that they all be completed. And so
13 they can be reviewed my Bob to make sure they comply
14 with the Code under the engineering. They can be
15 reviewed by Robin to make sure all the necessary
16 application -- the proper terminology is in use, because
17 the worst thing that can be done -- when you're on the
18 Commission, is being surprised at the time of the
19 meeting because it has something incomplete.

20 And pre-qualifying the application, getting
21 the checklist in place, it may take a little longer and
22 the balances a properly filled-out application, with all
23 the proper support material and the proper reviews, make
24 your job easier because then you can focus on exactly

1 the issues that you come up in your review.

2 Ms. Weeks has said it. Chairman Rogers has
3 said it. There are things missing from this application
4 that we need to know. And without that, we can say
5 conceptually, we review it tonight.

6 One example is when you started with the
7 revisions to the shopping center at 5 and 16, if I've
8 got my route numbers right, and how they came in with
9 the conceptual plan. And they were missing a lot of
10 things, and then they wanted to put the back of the
11 building right on Route 5. And by your discussions that
12 night, you gave them some frame works, for when they
13 came back the next time, they had a better idea of what
14 was required and what you were looking at.

15 And these are the kind of things -- because
16 if your job is easier because you have the complete kit,
17 that means we are doing our job right. And that's what
18 we are trying to do.

19 MS. PFEIL: And you now have a position,
20 where before you had a half a position, a part-time
21 position, and that position was responsible for other
22 things. Now I know that the Town has vested me spending
23 time with Robin to get things set up in a procedure,
24 work with the consultants and say: Does this work for

1 all of us? John, is it legal? Bob, is this what we
2 want to do with the engineering side?

3 I think you're going to see some products
4 come. But what I was telling you in the beginning, too,
5 is it might be a longer process in the beginning for
6 somebody to go through, but the reward on this is if you
7 follow the checklist and you are an engineer that can
8 read the checklist or a surveyor that can read the
9 checklist or architect and you follow the checklist and
10 you do a good product, on the tail end of this, it
11 should be three meetings, four with Council, I mean for
12 site plan anyways. It should be that simple. And we
13 should be able to just work out some minor things.

14 Conceptual should be the time to bring up as
15 much as possible. Preliminary is the time to tailor it
16 up a little bit, and final is really a rubber stamp with
17 outside agencies.

18 MR. KERR: One of the problems -- and this
19 whole process works much better for large developers or
20 new green space or new field, existing area, as opposed
21 to going in and doing something existing. Those seem to
22 be the ones that I struggle the most with, trying to
23 find out what the information is.

24 An example, the daycare had a site -- had a

1 portion of a site plan that was done when the church was
2 expanded, either 10, 15, 20 years ago. The parking lot
3 layout shown on the site plan had nothing to reflect
4 what was actually, physically there in the field. It
5 was one of those that, if you'll recall, we didn't have
6 any information until night, when the minister of the
7 church stood up and said: Yes, we own the land and we
8 are in favor of it. Up until that point, there was
9 nothing that said, in the package, whether the church
10 was in favor of it. Those kinds of things --

11 MS. WEEKS: Don't know where the
12 playground's going to be.

13 MR. KERR: Yeah. It was just -- you know,
14 it was a pretty incomplete package that the smaller site
15 plans, rezonings, those types of things that will always
16 be more difficult, and they are typically the people who
17 try to get by without having a professional, who
18 hopefully goes through the ordinance and does do the
19 checking.

20 So keep that in mind while we're going
21 through this process, is how -- for somebody who is
22 trying to do the very small businesses, the burden is as
23 large as it is for a major developer.

24 MR. BRADY: Then I threw you for a loop by

1 telling you the effect of a new ordinance the Town had
2 passed, which --

3 MS. ROGERS: Which truthfully, that
4 ordinance didn't have anything to do with land use.

5 MR. BRADY: It did not.

6 MS. ROGERS: It just had to do with someone
7 living next door, which --

8 MS. PFEIL: Yes.

9 MR. BRADY: Correct.

10 MR. FILICKO: Oh, that's just --

11 MS. ROGERS: -- you know, our view was
12 you've got to look -- and I find that is a difficult
13 thing for us to do, which is you're dealing with a land
14 use issue. And it's a land use issue alone. And you
15 can't draw in other things.

16 MR. BRADY: Understood.

17 MS. ROGERS: And I'm actually surprised he
18 can stay there, beings as close to that school property
19 as he can. But that's another subject.

20 MR. BRADY: You are correct. But I just
21 raised it, because I have to explain. And that's why I
22 had to have you say what you did, so I could have a
23 proper record that you understood all the collateral
24 effects.

1 UNKNOWN SPEAKER: Right.

2 MR. BRADY: Although it was not a per se
3 land use, it did deal with the use of somebody's land.
4 And you did a good job in explaining that on the record.

5 MS. ROGERS: Well, thanks.

6 MR. KERR: That might be something else that
7 needs to be discussed a little bit further, is -- and
8 I'll --

9 MS. PFEIL: Complications.

10 MR. KERR: And I'll spit it out wrong,
11 probably. But there have been times -- and you know
12 that I've been here a long time, so I may be going back
13 5 or 10 years, even -- where somebody comes in for an
14 annexation. And the focus seems to be on what color the
15 front door is going to be on the property --

16 MS. ROGERS: Uh-huh.

17 MR. KERR: -- not whether it's this piece of
18 land best to be annexed into the Town, that's kind of
19 the question before you. And whether this door is going
20 to open to the left or to the right may not be an
21 appropriate question to go into that night. I'm being a
22 little facetious -- a lot facetious -- on that example.
23 But there are --

24 MR. FILICKO: We get off the --

1 MR. KERR: There are times when you are
2 doing an annexation, and there is kind of one group of
3 questions --

4 MS. PFEIL: Yes.

5 MR. KERR: -- that you ask. When you are
6 doing kind of toward the end of the annexation is the
7 rezoning or maybe it's just a piece of land in town,
8 there's another set of questions that are appropriate to
9 ask. And then when you get into an actual site plan,
10 there's a totally different group. And then there's a
11 group of questions that probably really shouldn't be
12 asked at any meeting.

13 It's kind of the one -- we have a list in my
14 office of the questions you're not allowed to ask when
15 interviewing somebody for a position. And I know that
16 that's the first list that somebody pulls out. How old
17 are you? Are you married?

18 UNKNOWN SPEAKER: What's your religion?

19 MR. KERR: Do you plan to have kids?

20 UNKNOWN SPEAKER: What's your religion?

21 MR. KERR: Yeah.

22 MR. BRADY: Do you have a disability?

23 MS. PFEIL: I think that's parameters.

24 UNKNOWN SPEAKER: Well, that's one place

1 where -- that's one place where I think orientation
2 meetings or re-orientation meetings --

3 MS. PFEIL: Yes.

4 UNKNOWN SPEAKER: -- will really help to
5 keep the whole Commission focused.

6 MS. PFEIL: I think that's good on
7 parameters. And probably a good example, we're going to
8 have tomorrow's annexation meeting tomorrow, that will
9 probably be different than what you have done in the
10 past. It is truly -- and I'll good back on Bob -- it is
11 what is your comprehensive plan? Say: Can you take it
12 in? What is the future land use? Say: Do you have any
13 concerns? Is there anything in kind for the Council,
14 back and forth. There's probably five conversations to
15 have during an annexation. It's not site plan. It's
16 not what they are putting there, what the houses look
17 like, how much they are going to sell for? I'm just
18 going to go into a whole bunch I hear all the time.
19 What they are going to go for, how much they are going
20 to sell? Do you have multi-family? Do you do rentals?
21 Are they going to be HUD? All of those things come out
22 usually at a meeting.

23 This is a land use decision and a
24 comprehensive plan decision. And when it comes to site

1 plan is when you get more specific. And if you had
2 design standards, you could even get more specific. But
3 without having those, like you said, it's within the
4 parameters you kind of have to watch what you're
5 requiring.

6 And probably with the three of us guiding
7 you a little bit in the process and attending the
8 Planning Commission meetings, that might help you a
9 little bit to just say: Great idea. Or another good
10 example is everybody wants to control entrance points
11 for DelDOT. If it's a state-maintained roadway, good
12 luck. It is a DelDOT jurisdiction. It is a fire
13 marshal jurisdiction. You may have some conversations,
14 but it is their jurisdiction. It's not even in your
15 Code to work in that.

16 So I think we can help you, you know, keep
17 within the parameters. And if there's things that you
18 want to see, let's look at writing the ordinance or code
19 or look at getting you the tools.

20 MS. ROGERS: All right. I have a question
21 about annexation. It's always been very gray to me.
22 And at the time you annex a parcel into town -- you've
23 made the decision, recommendation to the town -- it has
24 to be annexed with a zoning classification. Correct?

1 MS. PFEIL: It depends on what -- yes. Some
2 charters say -- like in some municipalities, some
3 charters say you must come in as, as an example, R-1 and
4 then you go for a rezone process.

5 MS. ROGERS: Well, that's what we have
6 always --

7 MS. PFEIL: Some do that.

8 MS. ROGERS: -- done in the past.

9 MS. PFEIL: Now, I didn't find that in your
10 Charter, where you have to come in as a specific
11 zoning --

12 MR. KERR: No.

13 MS. PFEIL: -- when I did the process.

14 MS. ROGERS: It's not in there. But we've
15 always asked that they come in, because that's the most
16 restrictive.

17 MS. PFEIL: Yes.

18 MS. ROGERS: And then when they come in for
19 a change in zoning, you are more able to pin them down
20 as to what they want to do than at the time of
21 annexation.

22 MS. PFEIL: Especially if they're asking for
23 a split zoning --

24 MS. ROGERS: Right.

1 MS. PFEIL: -- should they want, maybe,
2 multi-family and single family --

3 MS. ROGERS: Right.

4 MS. PFEIL: -- to make it more site
5 specific. It can be a recommendation for the
6 Commission -- it's up to the Council -- as the ultimate
7 decision if they are going to allow that zoning. But it
8 can be a recommendation to say: Without a specific site
9 plan, we don't want to give you the density of
10 multi-family, not knowing what you're bringing in.

11 MS. ROGERS: Well, I think that's the reason
12 in the past we've always leaned toward doing our most
13 restrictive zoning classification, which would be the
14 least density. And then if they want to up that
15 density, they come back in with a public hearing and a
16 site plan and it's: This is what you want to do. And
17 then you are not dealing with: Well, can we provide the
18 amenities, the police protection, everything that you
19 need if we annex this parcel of ground? That's all been
20 determined that we can.

21 MS. PFEIL: Right.

22 MS. ROGERS: And then you can deal with:
23 Well, now, can we do from 100 units on this parcel to
24 400 units on this parcel?

1 MS. PFEIL: Correct.

2 MS. ROGERS: And how are you going to group
3 them? So I mean I don't think that is actually written
4 in any of our rules.

5 MS. PFEIL: As long as you feature --

6 MS. ROGERS: It's been our policy that
7 that's what we have done.

8 MS. PFEIL: As long as you feature land use
9 category in your comp plan as adopted and went through
10 state law, as long as that matches the zoning; for
11 example, if something does say multi-family and you give
12 it R-1, you've gone against your comp plan if you truly
13 say multi-family zoning.

14 MR. KERR: The comp plan simply says
15 residential.

16 MS. ROGERS: Right. It doesn't
17 specifically --

18 MS. PFEIL: It doesn't tier it.

19 MR. KERR: -- did not tier it because of
20 that.

21 MS. PFEIL: That's good.

22 MR. KERR: There was -- Every effort was
23 made to not --

24 MS. PFEIL: That's a smart move, right.

1 MS. WEEKS: But isn't -- doesn't the zoning
2 map really determine what -- Am I mistaken? The comp
3 plan -- the zoning map should reflect the comp plan.

4 MS. PFEIL: It has to.

5 MS. WEEKS: It has to.

6 MS. PFEIL: Yes.

7 MS. WEEKS: But our decision should be made
8 on the zoning map.

9 MS. PFEIL: Well, when you give -- When you
10 bring a piece of property in and you give it the zoning,
11 then it has the right, under permitted uses, if it can
12 meet all the other requirements. So once you give the
13 zoning, that's when you give the right to do all of
14 those permitted uses, if they can meet all the other
15 requirements, like setbacks and everything else.

16 MS. ROGERS: And I think -- I think in the
17 past, one of the major concerns and why, we always
18 leaned toward recommending R-1 zoning, unless we knew
19 specifically it was going to be a commercial site, like
20 (unintelligible). It was because there's always that
21 back of your mind, you give them R-3, that's X number --

22 MS. PFEIL: Yes.

23 MS. ROGERS: -- regardless of what they say
24 they are going to do, you give them R-3 or maximum

1 density, they can flip it, give it to somebody else.
2 They can come in with double the density. And there you
3 go; there's nothing you can do about it.

4 MS. PFEIL: Right. And it's smart to have
5 site plans attached with higher density zonings.

6 MS. ROGERS: But you can't really do all
7 that at an annexation point.

8 MS. PFEIL: At annexation, your key to the
9 Planning Commission is: What does your future land use
10 say? What is the appropriate zoning for that?

11 MS. ROGERS: But I'm saying that it's very
12 much more complicated --

13 MS. PFEIL: Right.

14 MS. ROGERS: -- when you set the annexation
15 point you try to have them attach a site plan with it.
16 It's just a nightmare.

17 MS. PFEIL: Unless they're going for
18 something that --

19 MS. ROGERS: Very specific.

20 MS. PFEIL: There's some -- I have to word
21 this right. There are some areas where you can -- where
22 you have a little bit more control on the government and
23 a little bit more bargaining power with the applicant.
24 One is when they want to come in town. Another is when

1 they want a site plan. Another is before you give the C
2 of O. I mean there are some tiers in there where you
3 still have some leverage to make sure things are done
4 right. They are check points. Before you give the C of
5 O, make sure everything is done on the site. Make sure
6 all the inspections are done. There are some check
7 points. And I think I agree with you; it's a site plan
8 process for your annexation.

9 The other thing to let you know, too, I
10 believe -- I wasn't here for the council meeting, but
11 the annexation committee for the small lot is all
12 Planning Commission?

13 MR. DAVIS: Yes.

14 MS. PFEIL: We are running annexations. We
15 made a recommendation to the Mayor and the Town Manager
16 that the annexation committee gets appointed as a whole
17 as a Planning Commission. And my thought behind --

18 MS. ROGERS: That's the way it has been done
19 in the past?

20 UNKNOWN SPEAKER: Yes.

21 MS. PFEIL: Well, my thought behind that
22 is -- I hate to say this. But it's an extra meeting, an
23 extra set of minutes. And if you pick three, five, or
24 seven, whatever the magic number is, you can pick three

1 this time and then appoint three the next time. But
2 nobody is on the same page of what process we just went
3 through. And this forum is truly the forum that really
4 recommends the comprehensive plan to the Town Council,
5 according to the state law.

6 MS. WEEKS: I have a question, please, on
7 conditional use, if I may.

8 MS. PFEIL: That one's you.

9 MS. WEEKS: Huh?

10 MS. PFEIL: That one's him.

11 (Unintelligible).

12 MS. WEEKS: A conditional use, are there any
13 requirements -- what -- vis-a-vis the zoning for
14 granting a conditional use? I mean is this like a
15 variance? Does it have to have certain requirements in
16 it? I haven't been able to find them.

17 UNKNOWN SPEAKER: Yeah, you're supposed to
18 have it memorized. (Unintelligible) vacation in now.

19 MS. PFEIL: Bet Joe will kick in.

20 MR. BRADY: No. Would you --

21 MS. WEEKS: And do we give conditional --

22 MR. BRADY: -- Dewey delivered the Code to
23 me in the hospital so I could make rulings for them?
24 But Milton's --

1 MS. WEEKS: Could I ask --

2 MR. BRADY: -- was not delivered, so I did
3 not make any rulings.

4 MS. WEEKS: Does the Planning Board do
5 conditional uses because of Delaware 22 or because we
6 didn't have a Board of Adjustment before? What's the
7 difference between a conditional use and a variance?

8 MS. PFEIL: That's a good question.

9 MS. ROGERS: A variance is a setback
10 (unintelligible).

11 MS. PFEIL: Unless it's a use variance,
12 which is a bad word.

13 MS. ROGERS: What? Height, width and bulk.

14 MR. KERR: Height width, and bulk, but not
15 the actual --

16 MS. ROGERS: But conditional use is just
17 that.

18 MS. WEEKS: Like multi-use.

19 MR. KERR: -- use of the property.

20 MR. BRADY: Correct.

21 MR. PFEIL: (Unintelligible) conditional
22 use.

23 MS. WEEKS: The other thing I wanted to know
24 is: Do we as a Planning Board get involved in parking

1 issues rather than the Board of Adjustment simply
2 because it's in our ordinance that way, or is that the
3 way it's done everywhere in Delaware?

4 MS. PFEIL: If they can't meet the
5 requirements of parking, I'm sure you could park -- like
6 parking space reduction or interior lot width.

7 UNKNOWN SPEAKER: Planning & Zoning is
8 allowed to give --

9 MS. PFEIL: Reduction.

10 UNKNOWN SPEAKER: -- reduction.

11 UNKNOWN SPEAKER: And the Board of
12 Adjustment doesn't get involved in parking because
13 that -- the only thing that we're actually involved with
14 is height, width, and bulk, and that's it.

15 MS. WEEKS: Is that state law, is what I'm
16 asking?

17 MR. KERR: No, that's per --

18 MS. PFEIL: No, that's your Code.

19 MR. BRADY: That's per the Code and the
20 zoning ordinance.

21 MR. KERR: Lots of places --

22 MR. BRADY: For example --

23 MR. KERR: -- don't have conditional use.

24 MR. BRADY: -- Dewey Beach, all parking

1 issues, Board of Adjustment.

2 MS. PFEIL: The same thing with Georgetown,
3 yes. Harrington, too.

4 MR. BRADY: But not here. As I said, that's
5 why I go to the Code, because --

6 MS. PFEIL: It is hard.

7 MR. BRADY: -- I refer you to Chapter 11 in
8 the Code which talks about the 11(1), the conditional
9 uses. And it comes to Planning & Zoning, and then Town
10 Council has to approve. And I said I have two different
11 towns I represent, and it's night and day.

12 MS. PFEIL: Yes.

13 MS. WEEKS: But there are no conditions for
14 conditional use, right?

15 MR. BRADY: The conditions or conditional
16 use are determined under 11.1.2. They have to provide
17 the locations appropriate, public health, safety, morals
18 and general welfare will not be adversely affected, that
19 adequate off street parking facilities will be provided.
20 They do not contribute to the traffic problem on
21 congested roads, and necessary safeguards will be
22 provided for the protection of surrounding property,
23 persons, and neighborhood values. And the additional
24 standards of this ordinance are complied with, unless

1 otherwise specified in this ordinance or as a specified
2 condition of approval. Height limits, yard space,
3 auditory and sign requirements shall be the same for
4 other uses in the district in which a conditional use is
5 located.

6 MS. WEEKS: So now --

7 MR. BRADY: That's what Milton says.

8 MS. PFEIL: It's specifically -- very
9 specific.

10 MR. BRADY: There's the specific criteria
11 that you have to look at, and that is the part of the
12 criteria you have to make your determination. And
13 that's why last month, when you did for the daycare, I
14 had you make that record so the Town Council could
15 either accept it or reject it, because that is under the
16 due process.

17 To give you a corollary, they're back in
18 court again in Middletown over Wal-Mart. Four times
19 they've tried to do that conditional use, and four times
20 it's been challenged, because they weren't reading their
21 ordinance and making a proper record. So if I make it
22 sound an hour long in order for you to say all the right
23 things, I'm doing it so you make the right record,
24 whatever way you decide, that it can be supported

1 legally.

2 MS. WEEKS: Well, this would be a typical
3 case where -- at least for myself -- it would be a lot
4 more comfortable when we got our packet, it would say
5 please look at the ordinance, Article 11.1 --

6 MR. BRADY: Right.

7 MS. WEEKS: -- look at this, look at that.

8 MR. BRADY: Well, that's what we are going
9 to try and --

10 MS. PFEIL: Right.

11 MR. BRADY: -- do in the pre-qualification
12 in the packet.

13 MS. WEEKS: Right.

14 MR. BRADY: That was one of the
15 improvements, when I met with Ms. Rogers, that said to
16 help make our job better by putting everything out,
17 which was -- I think she really said: I don't want
18 surprises at the meetings --

19 MS. PFEIL: Right.

20 MR. BRADY: -- and I don't want long
21 meetings. I want everything here so people can follow
22 it orderly and so everyone understands.

23 MS. PFEIL: And --

24 MS. WEEKS: And the other thing I wanted to

1 bring up, the infamous, ever-long meeting we had, that
2 was two major subdivisions in one night.

3 MS. PFEIL: Try seven. That's the top one
4 I've ever done, seven in one night.

5 MR. BRADY: Yeah, but that went after
6 midnight.

7 MS. PFEIL: Right, right. But I can let you
8 know that if you have two major subdivisions and can't
9 get them through the night -- and I'm probably going
10 speak very honestly -- something is wrong in your
11 process. You're either focusing too much on things
12 maybe we shouldn't, little things, or we aren't an
13 organized structure for the developer and the applicants
14 to work together.

15 You can do a lot more than two major
16 subdivisions in a night. It just depends on your
17 meeting time frame and the parameters of what you are
18 looking at.

19 MS. WEEKS: Right. That was well before
20 Robin was here.

21 MR. BRADY: Yes.

22 MS. WEEKS: And that was an infamously --

23 MS. PFEIL: Yes. Well, that will --

24 MS. WEEKS: -- ill-prepared --

1 MR. BRADY: But the other factor --

2 MS. WEEKS: -- by the applicant.

3 MR. BRADY: -- is if one of those issues
4 is --

5 MS. PFEIL: Very controversial.

6 MR. BRADY: -- very controversial --

7 MS. PFEIL: Right.

8 MR. BRADY: -- and there's a lot of public
9 comment, all time frames go out the window --

10 MS. PFEIL: Exactly.

11 MR. BRADY: -- when it's a public hearing.

12 MS. PFEIL: The other thing to let you know,
13 too, I don't envision us to cut and paste your Code. I
14 envision you to read your Code. I think the Planning
15 Commission should be familiar with their Code. We can
16 give you a copy, but you need to be familiar with that
17 with everything that comes up. We won't -- I mean I'm
18 not going to have Robin go -- his checklist will say the
19 sections. But it's hard for the Planning Commission to
20 solve all the problems and all the processes in one
21 night.

22 But you want to familiarize yourself with
23 your Code. You should be very, very familiar with two
24 documents, your Code and your comp plan in the Planning

1 Commission arena, very, very familiar. If you don't
2 have either one of those, please get them from Robin
3 right away, because those are your two tools that the
4 Town has right now for you to do your job.

5 MS. ROGERS: Well, I think Ms. Weeks is
6 correct. I think we need a new copy of the ordinance,
7 because they have made changes and done things and
8 rearranged them.

9 MR. BRADY: You're right. And we need to do
10 the update.

11 MS. ROGERS: And I think we need a new one
12 that's fresh, because I know mine, I've taken pages
13 out --

14 MS. PFEIL: Cut and pasted and marked up
15 and --

16 MS. ROGERS: And --

17 MS. WEEKS: No, I didn't mean that Robin
18 should be cutting and pasting.

19 MS. PFEIL: Right, right, yeah.

20 MR. BRADY: No, I understood.

21 MS. WEEKS: You said if --

22 MS. PFEIL: I said we want to give you the
23 tools.

24 MS. WEEKS: Right.

1 MS. PFEIL: And if you don't have those
2 tools, we want to give them to you.

3 MS. WEEKS: Right. There are certain parts
4 where -- for example, we discussed landscaping one time.
5 I know where it says we can look at landscaping.

6 MS. PFEIL: Right.

7 MS. WEEKS: And John, the attorney, came up
8 with the fact that they have to be two feet high. I
9 don't know where that is, you know.

10 MS. PFEIL: Yeah. Those would be those
11 hidden fun ones that we have to find for you.

12 MS. WEEKS: Exactly.

13 MS. PFEIL: And in our comments --

14 MR. BRADY: That was in my Code.

15 MS. PFEIL: Between the engineer and myself,
16 we should be able to have you, in just about every
17 section, to be able to give you a better job, between
18 the Planning & Zoning. But that's only if you allow us
19 enough time to review. Am I correct?

20 MR. KERR: And sometimes it's difficult
21 to --

22 MS. PFEIL: Oh, yes.

23 MR. KERR: -- reference 60 different
24 paragraphs that apply.

1 MS. PFEIL: Yes, uh-huh, yes. Is there
2 anything else? I didn't want to take up too much of
3 anybody's time, but we wanted to let you know that -- I
4 know that they're investigating -- the Town is
5 investigating and making the process better for -- and
6 welcoming developers the right kind of development. And
7 they want to invest in the Planning Commission to make
8 sure you have the tools and everything to make the
9 process smoother, more delightful.

10 UNKNOWN SPEAKER: It sounds like that the
11 Town has decided to invest in 3 or 4 people to insulate
12 us from the miles and miles of discovery that the
13 Commission has had to do for as long as I -- I mean like
14 ten years. It always seems like the basics are done.
15 The applications are filled out. But when an applicant
16 comes here, it's like: Okay. We're going to get
17 started now. And a lot of it is discovery.

18 If you guys can better educate the
19 Applicants, okay, and keep the meetings -- plus it will
20 help keep the meetings on track, because we have sat
21 through a numbingly amount of hours for people to voice
22 opinions about things that weren't applicable.

23 MS. PFEIL: Right.

24 UNKNOWN SPEAKER: And sometimes it's the

1 applicant playing to the crowd, trying to win over the
2 people and the Commission --

3 MS. PFEIL: Yes.

4 UNKNOWN SPEAKER: -- with stuff that don't
5 concern land use or the topic at hand.

6 MS. PFEIL: Yes.

7 UNKNOWN SPEAKER: Sometimes it's the general
8 public who have an emotional need to vent about
9 something they perceive to threaten them.

10 MS. PFEIL: That's true.

11 UNKNOWN SPEAKER: And sometimes it's lack of
12 focus from the Commissioners that get off. And if we
13 could eliminate that, yes, we could do multiple once.
14 But you three, you four are the only paid people here.
15 So I'm glad to see the Town is going to invest in what
16 it needs to do to keep us from having to do it, because
17 we have been doing it -- we've been doing it very
18 closely. And we try to help where we can. But more
19 times than not, we are kind of doing it with one hand
20 tied behind our back --

21 MS. PFEIL: Right.

22 UNKNOWN SPEAKER: -- because they're not
23 really pre-qualified, like they could or should be.

24 MS. PFEIL: Right.

1 UNKNOWN SPEAKER: So if you guys can do
2 that, our job will be real easy.

3 MS. PFEIL: This was -- The knowledge and
4 flavor that you have on the Commission is very
5 important, because we have several clients. And after
6 you've spent some time with them, you kind of know this
7 one doesn't want this, this one is really big on this.
8 This one is -- you can kind of tailor your views to
9 know --

10 UNKNOWN SPEAKER: And that's all good.

11 MS. PFEIL: -- individually that helps.

12 UNKNOWN SPEAKER: That's why -- that's why
13 we have a Commission --

14 MS. PFEIL: Yes.

15 UNKNOWN SPEAKER: -- and a multiple of
16 perceptions, instead of an ATM machine where you just
17 plug in the data and it spits out a yes or a no.

18 MS. PFEIL: Yes.

19 UNKNOWN SPEAKER: I mean that's the function
20 of any Commission, because if it was looked at strictly
21 by the regulations, we wouldn't need people. It's just
22 like, you know, bap, bap, bap, bap, bum, and the machine
23 gives you an answer. Well, that's how we're supposed to
24 function. So it's good to have multiple perspectives --

1 MS. PFEIL: Yes.

2 UNKNOWN SPEAKER: -- on all these
3 applications. But I'm going to tell you -- and it may
4 continue. I don't know. It depends on how good a job
5 you all do, because again, you guys are the paid ones.
6 But the Town's got more than their value out of us --

7 MS. PFEIL: Yes.

8 MR. BRADY: Absolutely.

9 UNKNOWN SPEAKER: -- because a lot of times
10 we are asking questions that should have been asked, you
11 know, three weeks ahead of -- before there. And it puts
12 us on the spot. And the school was a perfect example.
13 You know, if we had followed every guideline, then it
14 was going to -- excuse me -- it was going to hurt the
15 kids, hurt our kids, you know, just because the look on
16 Tyrone's face, like: You mean I've got to come back? He
17 obviously was told and didn't know it or didn't get
18 told.

19 MS. PFEIL: Expensive surprise.

20 UNKNOWN SPEAKER: Well, yeah. I mean we're
21 all sympathetic to the situation. I mean the school,
22 you know, there are all kind of regulations besides land
23 use there. And everybody is for it. But technically,
24 you know, we kind of --

1 MS. PFEIL: Yes.

2 UNKNOWN SPEAKER: We kind of stepped over
3 the line a little bit in an effort to help the school
4 district. When we find ourselves trying to do that with
5 developers, just because we feel that sometimes the
6 system has let the applicant down --

7 MS. PFEIL: Yes.

8 UNKNOWN SPEAKER: -- they seem to be either
9 selectively or --

10 MR. BRADY: My official position for that --
11 and I just -- we were very flexible in dealing with the
12 conceptual site plan, a preliminary site plan, and
13 scheduling a meeting one week out, with notice one week
14 out.

15 UNKNOWN SPEAKER: Oh, absolutely. I mean I
16 looked at the man and I --

17 MR. BRADY: Right. Absolutely.

18 UNKNOWN SPEAKER: -- said: Okay. What do
19 we do to get you going?

20 MR. BRADY: Right. You said: We need the
21 approval tonight. And I'm like --

22 UNKNOWN SPEAKER: It can't happen.

23 MR. BRADY: -- no.

24 UNKNOWN SPEAKER: Right.

1 MR. BRADY: Now, let's see. What's the next
2 question (unintelligible).

3 UNKNOWN SPEAKER: But he should have known
4 before he got to Planning --

5 MS. PFEIL: Correct.

6 MR. BRADY: Yeah.

7 UNKNOWN SPEAKER: -- before he got to here.

8 MS. PFEIL: I think your missing link is
9 there now. And that's just Robin --

10 MS. ROGERS: And I think that happened with
11 the bakery.

12 MR. BRADY: Right.

13 MS. ROGERS: I mean he was ready to open.

14 And suddenly, it was: Oh, by the way --

15 MR. BRADY: Yeah, you've got to -- you need
16 the --

17 MS. ROGERS: You've got to have a public
18 hearing. Well, we accommodated that by how quickly can
19 we have the meeting for, because there was no problem --

20 MS. PFEIL: Special meeting.

21 MS. ROGERS: -- there. Everybody knew --

22 MR. BRADY: Right.

23 UNKNOWN SPEAKER: Yes. We knew --

24 MS. ROGERS: -- there was no problem with

1 the bakery.

2 UNKNOWN SPEAKER: We caught ourselves
3 volunteering our free time --

4 MS. PFEIL: Yes.

5 MR. BRADY: Right.

6 UNKNOWN SPEAKER: -- to try and accommodate
7 applicant and whoever comes to the Town for --

8 MS. PFEIL: And we want to try to stand on
9 your regular meeting, because the three of us have night
10 meetings that are other times, as well, like you do.
11 You have social functions or other groups and entities
12 you're in, as well, or other meetings that you have --

13 MS. ROGERS: Well, one of the things --

14 MS. PFEIL: -- so that set meeting is
15 important.

16 MS. ROGERS: -- I think we need to implement
17 is the applicant has a time frame.

18 MS. PFEIL: Okay.

19 MS. ROGERS: Because I know that when some
20 of the developers come and ask to present everything
21 from soup to nuts and we need to see the majority of it,
22 that they can always go to such a length that it starts
23 to confuse the process, if they are given more
24 information than they need for a site plan review. You

1 know, the site plan is actually where they are going to
2 put these houses and where are there going to be the
3 multi-families, and where is there going to be parking
4 and this. Okay. Then you get the site plan approved.
5 If you want to know what the houses are going to look
6 at, that's a whole different issue.

7 MS. PFEIL: Right.

8 MS. ROGERS: So I mean I see where
9 developers are coming in and they are presenting these
10 beautiful pictures of what the house is going to look
11 like and this park is going to look like this. Well,
12 you know what? Just show me where the park is going to
13 be.

14 MS. PFEIL: Right.

15 UNKNOWN SPEAKER: We'll also get --

16 MS. ROGERS: Show us where the
17 multi-families are going to be.

18 MS. PFEIL: Yes. Do your homework ahead of
19 time so you can have your list.

20 UNKNOWN SPEAKER: Once they get the zoning,
21 they flip it and none of that comes to pass anyway.

22 MS. PFEIL: Right.

23 UNKNOWN SPEAKER: But we spend hours and
24 hours and hours and hours --

1 MS. PFEIL: Yes.

2 UNKNOWN SPEAKER: -- debating and discussing
3 and negotiating and arguing. And all of a sudden, boom,
4 they come here for, you know, a land use decision. We
5 give it to them, and that stuff is gone.

6 MS. PFEIL: And the frustrating part we want
7 to make sure we don't do is to make sure that your hard
8 work -- and this does happen to some municipalities --
9 that you have the recommendation that goes to Council.
10 They approve it, and it doesn't get built the way it was
11 promised or it doesn't get built the way the site plan.
12 If there is major changes to the site plan, just about
13 every Code that I know says it goes back to the Planning
14 Commission.

15 So we haven't had the tail end of things. I
16 mean Bob has been doing great and especially -- we
17 haven't had the tail end of the staff being involved in
18 outside approvals. I mean that end is very important,
19 because the front end of what we promised you is one
20 thing. And you've done your job. You feel really good,
21 like you had a good project. And then two years later
22 or four years later or five, you are kind of disgusted
23 with what was built.

24 MR. BRADY: I think you have that in your

1 agenda next Tuesday.

2 MS. ROGERS: What have we got?
3 Shipbuilders?

4 MS. PFEIL: Oh, yeah.

5 MS. BRADY: Yes, ma'am.

6 MS. ROGERS: Again?

7 MS. PFEIL: I'm not doing my review there.

8 UNKNOWN SPEAKER: I think I heard something
9 tonight or had seen something tonight that we talked
10 about the bakery opening. It looks like, as I parked,
11 that they were just pouring curb. So somehow or
12 another, they got a COA before the site plan was done.
13 I don't know if there's anybody else in there that is
14 open to business, but --

15 MS. WEEKS: Yes.

16 MS. ROGERS: Is the hairdresser open?

17 MS. WEEKS: Yes.

18 UNKNOWN SPEAKER: So I mean there's another
19 case.

20 MS. PFEIL: Yes.

21 UNKNOWN SPEAKER: -- of things happening in
22 the wrong order. Once you issue a CO --

23 MS. PFEIL: You're done.

24 UNKNOWN SPEAKER: You essentially have no

1 control over --

2 MS. ROGERS: And there again, that's where
3 this checklist ahead of time, where -- and I've said it
4 for 20 years. When somebody comes into that Town
5 Hall --

6 MS. PFEIL: Yes.

7 MS. ROGERS: They need to be given A, a
8 list.

9 MS. PFEIL: Yes.

10 MS. ROGERS: Then you do A, B, C, D, and E,
11 and they need to be given a list of these are the fees
12 you are going to have to go along with this process.
13 And they can't in the middle, go: Oh, by the way, now
14 you've got a thousand dollar fee to send it to a
15 planner. No, no, no. They need to know up front. I
16 got an advertising fee, a planning fee, an engineer
17 review fee, (unintelligible) fee.

18 MS. PFEIL: Yes.

19 MS. ROGERS: You know, they need to know
20 this is what the fee is and go along with this process.
21 And sorry about your luck, but this is the way it is.
22 And as much as we want to help everybody and get new
23 businesses in town or whatever it takes, this is the
24 road you've got to follow. I mean it's very --

1 MS. PFEIL: Every municipality is going
2 through that. They're going through change, process
3 demand, fees to pay for the development. So Milton
4 is -- right now it's great that you are reaching out
5 before everything --

6 UNKNOWN SPEAKER: There's been several times
7 where this Commission has stepped outside its authority
8 to try to cover mistakes that were made at Town Hall to
9 promote business, to put, you know, the best foot --

10 MS. PFEIL: Yes.

11 UNKNOWN SPEAKER: -- forward after the
12 mistake has been made. And that's prior to Robin.
13 And I --

14 MS. ROGERS: Let's not point your finger,
15 either.

16 UNKNOWN SPEAKER: It's not pointing a
17 financing. I think it's an issue of understaffing,
18 either when you've got --

19 MS. PFEIL: Yes.

20 UNKNOWN SPEAKER: -- one guy trying to
21 interpret the Code, issue the permits, and do all the
22 enforcement --

23 MS. PFEIL: Correct.

24 UNKNOWN SPEAKER: -- and we go out and watch

1 and make sure nobody's grass is too tall.

2 MS. PFEIL: That's not a fun position to be
3 in.

4 UNKNOWN SPEAKER: No, no.

5 MS. PFEIL: Nobody likes you.

6 UNKNOWN SPEAKER: And I think the Town has
7 suffered because of it. I mean that's an understaffing
8 issue. It's not a (unintelligible).

9 MR. BRADY: I think you probably would agree
10 we're moving forward.

11 MS. PFEIL: Yes.

12 MR. BRADY: Robin is being very dedicated as
13 Project Coordinator. When the issue came up with both
14 you, Chairman Rogers, and yourself, about a taping
15 system and a proper recording system, a better recording
16 system was obtained so we could get better transcripts
17 and better records and better minutes of the meeting.
18 And we are trying to follow and do the right thing. And
19 this is part of that progress in moving forward.

20 MS. WEEKS: Just one other thing, when you
21 are the applicant, I remember when the Iguana Grill came
22 in and the deck was a site review, he had no idea what
23 that meant, you know. And granted, some of that is on
24 him. Some of that's on him.

1 MS. PFEIL: You have to -- and when he does
2 his pre-development, there are some -- I know Bob and
3 (unintelligible) very well. There are some people when
4 you sit down, you have to take your words down quite a
5 bit, like it's a plot, it's a drawing. And there's
6 other ones that you can say (unintelligible) 24 by -- by
7 engineering, 24 by 36.

8 UNKNOWN SPEAKER: Well, Bob's right on it.
9 Unless it's a developer --

10 MS. PFEIL: Yes.

11 UNKNOWN SPEAKER: -- these restaurant
12 people, these bakery people, these daycare, they have no
13 idea --

14 MS. WEEKS: That's right.

15 MS. PFEIL: Right.

16 UNKNOWN SPEAKER: -- about the process or
17 even the --

18 MS. PFEIL: That's when you hold a lot of
19 hands. You can get them ready for the meeting. You get
20 them ready for a presentation. You do a lot of --

21 UNKNOWN SPEAKER: But that's done way before
22 it gets here.

23 MS. PFEIL: Correct, correct.

24 UNKNOWN SPEAKER: So you guys, most all of

1 this is on you, except for us developing a regimented,
2 systematic laundry list of the way to go through our
3 process. The rest of this, as far as I hear, it's all
4 on you guys.

5 MS. PFEIL: We're just going to give you
6 better tools, is what our goal is, to do your job.

7 UNKNOWN SPEAKER: We're good.

8 UNKNOWN SPEAKER: Part of it can be on us.
9 But part of it is on the applicant, because I don't want
10 to be responsible for telling --

11 UNKNOWN SPEAKER: Right.

12 UNKNOWN SPEAKER: -- the applicant you need
13 to --

14 UNKNOWN SPEAKER: That's -- I don't mean
15 it's all on you. It's on you --

16 MR. BRADY: Right.

17 UNKNOWN SPEAKER: Do whatever I can --

18 UNKNOWN SPEAKER: -- to communicate that to
19 them.

20 UNKNOWN SPEAKER: It's truly the
21 applicant's --

22 UNKNOWN SPEAKER: I mean because by the --
23 Again, that's our problem. When they come here and
24 they've got maybe ten percent, they have a ten percent

1 feel for what they actually need. And then all of a
2 sudden, we're in the middle of the process, trying to
3 explain to them: Oh, no, you should have had this, and
4 what about this? And they are looking at us and we are
5 thinking: Well, gosh, down -- our support people at
6 Town Hall --

7 MS. PFEIL: Yes.

8 UNKNOWN SPEAKER: -- have to be able to
9 communicate that to them.

10 MS. ROGERS: Well, John can tell you years
11 ago the Town didn't have anybody, and they were sending
12 them up to my office all the time.

13 MS. PFEIL: Yeah.

14 MS. ROGERS: And I'm like: I shouldn't be
15 talking to you.

16 MS. PFEIL: Yes.

17 MS. ROGERS: I shouldn't be talking to you.
18 I shouldn't be talking to you.

19 MS. PFEIL: Right.

20 UNKNOWN SPEAKER: Right.

21 MS. ROGERS: And he came to a meeting, and
22 he didn't know who I was. I don't think we had name
23 tags at the time. And he wanted to know who the hell
24 this (unintelligible) woman named Linda Rogers. And

1 I'm like me.

2 UNKNOWN SPEAKER: That's true.

3 MS. ROGERS: And you know, that's the truth.

4 There was no one down there to give them the

5 information. I didn't have all the answers.

6 MS. PFEIL: Right.

7 MR. BRADY: And you are right. Part of it

8 is incumbent on Town to do, because we're going to have

9 some people like the bakery owners who are going to

10 represent themselves. We are going to have developers,

11 who are going to come in with engineers and planners and

12 lawyers. And we are going to have everything in

13 between. And we have to have the quality of service to

14 accommodate everybody to make sure everybody feels that

15 their application was handled with respect, that they

16 were properly prepared, they knew what they needed to

17 have --

18 MS. ROGERS: Right.

19 MR. BRADY: -- or they were at least told by

20 this guideline what they had. And the worst thing that

21 you can have happen is have the jaw drop at the meeting

22 because something like -- we had the minister. Is that

23 approved by the church board? Yes. Okay. Well, we

24 checked off that. That was on the list. And you know

1 the impact to this. These are the kind of things that
2 help make it a better process for everybody, and that's,
3 I think, what tonight is to -- talking about the
4 procedures and processes is what is trying to be done.

5 MS. WEEKS: One last question. Are we going
6 to see you at our meetings from now on, Debbie?

7 MS. PFEIL: Yes.

8 MS. WEEKS: Good.

9 MS. PFEIL: I mean if there's an application
10 that I review, we will be here to represent -- for any
11 questions you may have.

12 UNKNOWN SPEAKER: Great.

13 MS. PFEIL: And I'm assuming, especially if
14 I can do it -- now, if there is something that doesn't
15 credit a review --

16 MR. BRADY: Just as long as we are not
17 called either --

18 MS. PFEIL: Conflict.

19 MR. BRADY: -- the Pep Boys or the Three
20 Stooges --

21 MS. PFEIL: Yes.

22 MR. BRADY: -- those names should not be
23 ruled out (unintelligible).

24 MS. PFEIL: I can tell you (unintelligible)

1 out of whack here a little.

2 MR. BRADY: Huey, Dewey, and Louie, maybe,
3 but --

4 UNKNOWN SPEAKER: So --

5 MR. BRADY: Humpty Dumpty, probably.

6 MR. FILICKO: -- getting back to the site
7 plan, I don't believe -- and I'm not 100 percent certain
8 that the business on the corner of Route 16 -- well,
9 Michael Zimmerman's property, as far as the landscaping
10 goes, I don't think he has done what he has said that he
11 was going to do out there.

12 MR. BRADY: And what I'm going to suggest
13 is, Robin, give that to our code enforcement person to
14 go pay a visit to follow up with what was discussed at
15 the last meeting, that they were there to see if they
16 were in compliance.

17 MR. DAVIS: And the problem with a lot of --
18 as we talked about all night -- it's not an issue of
19 pointing fingers at the past people or past commissions
20 or past whatever, staff. There's a lot of things, going
21 back and looking at minutes, there was no clear-cut
22 condition put on. Basically, when you say: We want the
23 landscaping upkeep, who's going to then make that
24 determination? I could walk out there and say: It

1 looks good to me. Michael, you could walk out there and
2 say: That looks like crap.

3 MS. ROGERS: Right.

4 MR. DAVIS: Who's going to be the one to
5 sign off on that?

6 MS. PFEIL: When you have the plan, before
7 that last C of O, if it was part of the site plan
8 process, before you issue, you can make a determination.
9 You call the Chairperson of the Board and you call the
10 lawyer and say: We're going to let all the tenants go,
11 except we are going to hold the last C of on, or we are
12 not going to let any in. You just determine that
13 between your chairperson and your lawyer.

14 But before -- if it's on the site plan, it's
15 truly tangible, where Robin or the code enforcement
16 person can go out there and say: There were 12
17 plantings, and they were this kind of trees that had to
18 be done.

19 If we are not getting that detail, it's
20 putting your staff in a position to say: Well, if it
21 wasn't specific in minutes, it wasn't on the site plan,
22 they have landscaping out there. Then what he could do
23 is call all nine of you and have a different opinion
24 about what maybe the landscaping should be.

1 So in this process, we want it on the plan.
2 We want the type of landscaping that's going to be done.
3 If it's not in your Code, we want it required or
4 strongly recommended. And that way, there's a tangible
5 to go out there; 15 spaces, 15 trees, that kind of
6 tangible review before you give the C of O, because they
7 shouldn't be in front of you for another project if they
8 haven't done the first one right.

9 MR. BRADY: And that's part of why, when we
10 have been doing some of these motions, that I've been
11 trying to cite that in so there is a written record.
12 And as we get the process going, I'm going to try and
13 have it typed, where you still have to print in any of
14 the conditions you put on it. But at least you have the
15 motion typed, prepared both ways, the motion to approve
16 and the motion to reject. But the motion to approve has
17 the space where if you say 12 plantings of at least
18 three-inch circumference trees, and these must be
19 planted at least X number of days before or planted at
20 the time of the CO, they are the kind of things that can
21 be in there. And that's the kind of things you can do.
22 And that's the kind of things that you have been trying
23 to do recently.

24 But if we don't have it as part of the final

1 approval for something previous, it may not be
2 enforceable.

3 MS. PFEIL: Yes.

4 MR. BRADY: That's why we have been trying
5 to tighten up and make sure that with the roll call
6 votes and everything, that we're doing everything by the
7 letter of the Code and we are putting all those
8 conditions in. And then it doesn't feel like you are
9 rushing to get out of here, but you are trying to have
10 something in writing that Robin can have or the Town
11 Hall can have the next day so they have a copy of what
12 was passed. That's what we have been trying to do,
13 instead of just trying to transcribe it off the tape.

14 UNKNOWN SPEAKER: Well, I'm very impressed
15 at this meeting, because it seems like the three of you
16 and Robin have really done some awfully good thinking
17 about this. And a lot of things that have worried a
18 number of us all along the road, you are addressing.
19 And I really appreciate all that work. I would never
20 call you the Three Stooges. Maybe Huey, Dewey, and
21 Louie, but you know --

22 MR. BRADY: And I'm certain some
23 nicknames --

24 MS. PFEIL: That and some other ones, I'm

1 sure.

2 MR. BRADY: -- some nickname will come up,
3 and we will probably resent that remark.

4 MS. PFEIL: And I do want to thank you all
5 for coming a special night. I know this is another
6 night, and I know that the three of us had to coordinate
7 and Robin had to coordinate like crazy to get everybody
8 together. But your input is very valuable, and we are
9 starting to process.

10 MS. WEEKS: Thank you.

11 MS. PFEIL: It's truly a start.

12 UNKNOWN SPEAKER: Thank you.

13 MR. FILICKO: Will you be present tomorrow?

14 MS. PFEIL: Yes, I will.

15 MR. BRADY: Tomorrow, I --

16 UNKNOWN SPEAKER: Tomorrow is set.

17 MR. BRADY: I have a Supreme Court Justice
18 dinner at six in Dover. The minute I can get out of it,
19 I'll be here.

20 MS. PFEIL: And tomorrow, we're just
21 discussing the recommendations.

22 MR. BRADY: Right.

23 MS. PFEIL: But I think we got you a book,
24 right?

1 MS. WEEKS: Actually, I think it would be
2 good for everybody to come to see the new process they
3 put in place.

4 MR. BRADY: I think it's in office. But if
5 I'm not here, I'll try and --

6 MS. PFEIL: We are just going to try and get
7 the committee report together.

8 MR. BRADY: Right.

9 MS. PFEIL: And then have Bob, you, and I
10 look at the committee report --

11 MR. BRADY: That's fine.

12 MS. PFEIL: -- to see if there's anything
13 we --

14 MR. BRADY: I don't think I'm going to get
15 out of Dover until late.

16 MS. PFEIL: I just want to get them back on
17 track.

18 MS. ROGERS: Is that it? Does anyone have
19 anything?

20 UNKNOWN SPEAKER: Yes, the annexation.

21 MS. ROGERS: Not unless there are --

22 (Unintelligible).

23

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1 State of Delaware.)
2 Kent County)

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5 CERTIFICATE OF REPORTER

6 I, Cheryl A. Anthony, Delaware Certified Shorthand
7 Reporter and Notary Public, do hereby certify that the
8 foregoing record, pages 1 to 103 inclusive, is a true
9 and accurate transcript, to the best of my ability, of
10 my stenographic notes from the tape-recording of
11 March 13, 2007, in the above-captioned matter.

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15 _____
Cheryl A. Anthony
16 Delaware CSR
Certification No. 107-PS
17 (Permanent Certification)

18

19 DATED: _____

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